

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### APRIL 2008

#### INTRODUCTION

##### Overview of the Annual Performance Report Development:

##### **Background**

In December 2005, the Nevada Department of Education (NDE) submitted a State Performance Plan (SPP) to the U.S. Office of Special Education Programs (OSEP) describing baseline data, six-year targets, and improvement activities for making improvements in 20 key areas over the next six years. The following 20 Performance Indicators were established by OSEP to ensure compliance with state and federal special education laws and to improve results for students with disabilities. The 20 Performance Indicators are designed to:

- (1) increase high-school graduation rates for students with disabilities earning regular diplomas;
- (2) decrease the dropout rate for students with disabilities;
- (3) ensure that all students participate in statewide assessments and improve the performance of students with disabilities in those assessments;
- (4) reduce suspension and expulsion rates when those rates significantly exceed statewide averages;
- (5) provide school-age students with disabilities ages 6-21 with services in the least restrictive environment;
- (6) provide preschool children with disabilities ages 3-5 with services in the least restrictive environment;
- (7) improve cognitive and social outcomes for preschool children with disabilities;
- (8) improve parents' involvement in their children's special education programs;
- (9) reduce disproportionate identification of students in race/ethnic groups as having a disability;
- (10) reduce disproportionate identification of students in race/ethnic groups as having a particular disability;
- (11) improve efforts to evaluate students with disabilities in a timely manner;
- (12) ensure a smooth transition from infant/toddler programs to school-based programs for preschool children with disabilities at age three;
- (13) improve transition planning for students with disabilities at the secondary school level;
- (14) improve post-school outcomes for students with disabilities in the areas of post-secondary education/training and employment;
- (15) ensure that noncompliance with special education statutes and regulations is corrected within one year of identification;
- (16) ensure that complaint investigations are conducted by the NDE within required timelines;
- (17) ensure that due process hearings are conducted within required timelines;
- (18) promote resolution sessions as a mechanism for resolving disputes;
- (19) promote mediations as a mechanism for resolving disputes; and
- (20) ensure that timely and accurate data are reported from the NDE to OSEP.

Progress for Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, and 20 is reported in this 2008 Annual Performance Report (APR) for the 2006-2007 school year.

The February 2008 version of the SPP has been revised to include 2006-2007 progress data for Indicator 7; and 2006-2007 baseline data, targets, and improvement activities for Indicator 14.

The February 2008 APR and the February 2008 SPP should be read as companion documents. The SPP contains more complete descriptions of Nevada's systems for ensuring compliance with the Individuals with Disabilities Education Act (IDEA) and for improving results for Nevada's students with

disabilities. These more complete descriptions of Nevada's special education systems provide the context for understanding the progress that is being made toward Nevada's goals.

**Issues Identified in Nevada's February 2007 SPP/APR Response Table**

In June 2007, the U.S. Office of Special Education Programs (OSEP) sent correspondence to the NDE acknowledging the state's submission of its February 2007 SPP/APR. Attached to the correspondence was the "Nevada Part B FFY 2005 SPP/APR Response Table" addressing issues identified by OSEP that required additional information to be submitted in Nevada's February 2008 SPP/APR submission. Nevada has taken necessary steps to address the issues identified, and those steps are summarized below.

**Indicator 1 (Graduation Rates):** No action needed.

**Indicator 2 (Dropout Rates):** As directed, the February 2008 APR includes FFY 2005 and FFY 2006 data for students with disabilities who dropped out of high school.

**Indicator 3 (Participation and Performance on Statewide Assessments):** No action needed.

**Indicator 4a (Suspension and Expulsion Rates):** As directed, the February 2008 APR demonstrates that when Nevada identifies significant discrepancies in a district's suspension/expulsion rates, and it requires the district when appropriate to revise policies, practices, and procedures relating to each of the following topics: development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

**Indicator 5 (LRE for Students Aged 6-21):** No action needed.

**Indicator 6 (LRE for Students Aged 3-5):** No action needed.

**Indicator 7 (Early Childhood Outcomes):** As directed, the February 2008 revised version of the SPP includes progress data and improvement activities.

**Indicator 8 (Parent Involvement):** No action needed.

**Indicator 9 (Disproportionate Representation in Special Education that is the Result of Inappropriate Identification):**

**Annual Determination.** In FFY 2005, Nevada did not comply with the requirement to make an "annual" determination of whether disproportionate representation was the result of inappropriate identification. This noncompliance occurred because Nevada requires a three-year trend in disproportionate representation before triggering the review to determine if disproportionate representation is the result of inappropriate identification, and in FFY 2005 only two years of data were available for trend analysis. As directed, Nevada has demonstrated in its February 2008 APR that this noncompliance has been corrected by demonstrating that it makes an annual determination of whether disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

**Reporting on all Race/Ethnic Categories.** In FFY 2005, Nevada did not comply with the requirement to review all race ethnicity categories present in the state when determining whether there is disproportionate representation that is the result of inappropriate identification. As directed, in its February 2008 APR Nevada has described and reported on its review of data and information for all race ethnicity categories to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.

**Baseline Data from FFY 2005.** As directed, in its February 2008 APR Nevada has provided baseline data from FFY 2005 and progress data from FFY 2006 on the percent of districts

identified with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and described how the state made that determination.

**Indicator 10 (Disproportionate Representation in Specific Disability Categories that is the Result of Inappropriate Identification):**

Annual Determination. In FFY 2005, Nevada did not comply with the requirement to make an "annual" determination of whether disproportionate representation in specific disability categories was the result of inappropriate identification. This noncompliance occurred because Nevada requires a three-year trend in disproportionate representation before triggering the review to determine if disproportionate representation is the result of inappropriate identification, and in FFY 2005 only two years of data were available for trend analysis. As directed, Nevada has demonstrated in its February 2008 APR that this noncompliance has been corrected by demonstrating that it makes an annual determination of whether disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification.

Reporting on all Race/Ethnic Categories. In FFY 2005, Nevada did not comply with the requirement to review all race ethnicity categories present in the state when determining whether there is disproportionate representation in specific disability categories that is the result of inappropriate identification. As directed, in its February 2008 APR Nevada has described and reported on its review of data and information for all race ethnicity categories to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.

Baseline Data from FFY 2005. As directed, in its February 2008 APR Nevada has provided baseline data from FFY 2005 and progress data from FFY 2006 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, and described how the state made that determination.

**Indicator 11 (Initial Evaluation Timeline):** As directed, in its February 2008 APR Nevada has included information about the range of days beyond the timeline when evaluations were completed, and identified for those children whose evaluations were timely completed, the number found eligible and the number found not eligible. Also as directed, Nevada has included data demonstrating correction of noncompliance identified in FFY 2005.

**Indicator 12 (Part C to Part B Transition—IEPs by Third Birthday):** As directed, in its February 2008 APR Nevada has included data demonstrating compliance for FFY 2006, and data demonstrating correction of noncompliance identified in FFY 2004 and FFY 2005.

**Indicator 13 (Annual Goals and Transition Services):** As directed, in its February 2008 APR Nevada has included data demonstrating compliance for FFY 2006, and data demonstrating correction of noncompliance identified in FFY 2005.

**Indicator 14 (Post-School Outcomes):** As directed, in its February 2008 revised version of the SPP Nevada has provided baseline data, targets, and improvement activities for this indicator.

**Indicator 15 (Correction of Noncompliance in One Year):** As directed, in its February 2008 APR Nevada has provided data demonstrating correction of noncompliance identified in FFY 2004. Nevada has also provided, disaggregated by APR indicator, the status of timely correction of the noncompliance findings identified during FFY 2005. In addition, Nevada has specifically identified and addressed the noncompliance identified for Indicators 11, 12, and 13 under those indicators in the APR.

**Indicator 16 (Complaint Timelines):** No action needed.

**Indicator 17 (Due Process Hearing Timelines):** No action needed.

**Indicator 18 (Resolution Session Agreements):** No action needed.

**Indicator 19 (Mediation Session Agreements):** No action needed.

**Indicator 20 (Timely and Accurate Data):** As directed, the February 2008 APR includes timely and accurate data for all indicators.

### **February 2008 APR Development**

The NDE began data collection for the 2006-2007 APR with the collection of the special education child count data on December 1, 2006, including the disability category, age, grade, race/ethnic category, and placement category for each student with a disability age 3 through 21. Data collection continued through the summer of 2007, with the annual collection of §618 IDEA program data for 2006-2007 from local school districts. These data included data on the reasons for students exiting special education and suspension/expulsion data. During the summer of 2007, the NDE analyzed assessment data, including participation and performance data, and determined whether districts made adequate yearly progress in accordance with the No Child Left Behind (NCLB) requirements.

In August 2007, the NDE conducted a preliminary analysis of Nevada's data for Indicators 1, 2, 3, 4a, 6, 7, 8, 9, 10, 11, 12, and 13. Preliminary statewide and district-level data were presented for these indicators to an August 2007 meeting of the Special Education District Administrators (SEDA) group for review and discussion of the implementation of improvement strategies.

The NDE participated in a Leadership Conference sponsored by OSEP in August 2007, and in an OSEP Verification visit in Nevada in September 2007. The SPP and APR requirements were a central focus for both of these meetings. Throughout the late summer, fall and early winter, staff members from the NDE participated in technical assistance conference calls offered by OSEP and the Western Regional Resource Center (WRRRC) in order to clarify our understanding of the requirements and strengthen the presentation of our data.

### **February 2008 APR Dissemination**

Final data analysis for each indicator to be reported in the APR (Indicator 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, and 20) was completed in January 2008, and reported to OSEP on February 1, 2008. The APR, along with the February 2008 revised version of the SPP, will be made available to the public by March 2008 on the NDE website at <http://www.doe.nv.gov/edteam/ndeoffices/spec-diversity-improve/resources.html> following the February submission to OSEP. Progress will also be reported whenever the NDE has an opportunity to meet with and address local and statewide organizations such as parent and professional organizations, other state and local agencies, university and community college groups, and other community groups.

### **April 2008 Reporting of District-Level Performance Indicator Data**

The progress of school districts toward the state targets for Performance Indicators 1, 2, 3, 4a, 5, 8, 9, 10, 11, 12, and 13 will be reported to the public by April 2008 on the NDE website listed above and will be disseminated directly to SEDA and SEAC. OSEP has advised the state that Performance Indicators 15-20 are not appropriate for reporting at the local education agency level, because they concern general supervision activities (e.g., monitoring, complaint investigations, mediation systems, due process hearing systems, and submission of data to OSEP) for which the NDE has unique responsibility.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 1

**Monitoring Priority: FAPE in the LRE**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	22% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

#### Actual Target Data for FFY 2006:

Nevada's calculation for high school graduation rates was the same in 2006-2007 as it was described in the December 2005 State Performance Plan and the February 2007 APR.

Nevada uses a longitudinal formula to compute high school graduation rates for the total student population. In the formula, all graduates with standard, advanced, and adult diplomas are divided by the total number of completers, plus 12th grade dropouts in the previous year ( $d^{12}$ ), 11th grade dropouts from two years ago ( $d^{11}$ ), 10th grade dropouts from three years ago ( $d^{10}$ ), and 9th grade dropouts from four years ago ( $d^9$ ). This formula is expressed as:

$$\frac{\# \text{ Standard, Advanced, Adult Diploma Recipients ("Regular Diplomas")}}{\# \text{ Completers (Regular Diplomas, Other Diplomas, Other Completers)} + d^{12} + d^{11} + d^{10} + d^9}$$

It is not currently possible to calculate a longitudinal graduation rate for students with disabilities within the state data system, because there are an insufficient number of years of data available in a form that can be disaggregated by disability status. Therefore, graduation rates for students with disabilities in FFY 2006 have been calculated by dividing the number of students with disabilities who received a standard diploma according to the federal exit data table, by the total number of students with disabilities in grade 12 plus any "ungraded" students with disabilities ages 17-21 as reported on the federal child count. This formula is expressed as:

$$\frac{\# \text{ Students with Disabilities who are Standard Diploma Recipients, ages 14-21}}{\# \text{ Students with Disabilities in Grade 12} + \text{"Ungraded" Students with Disabilities Ages 17-21}}$$

During 2006-2007, 20.6% of Nevada's youth with IEPs graduated from high school with a regular diploma. There were 458 regular diploma recipients, and 2,233 students in Grade 12 plus "ungraded" students ages 17-21 ( $458 \div 2,222 = 20.6\%$ ).

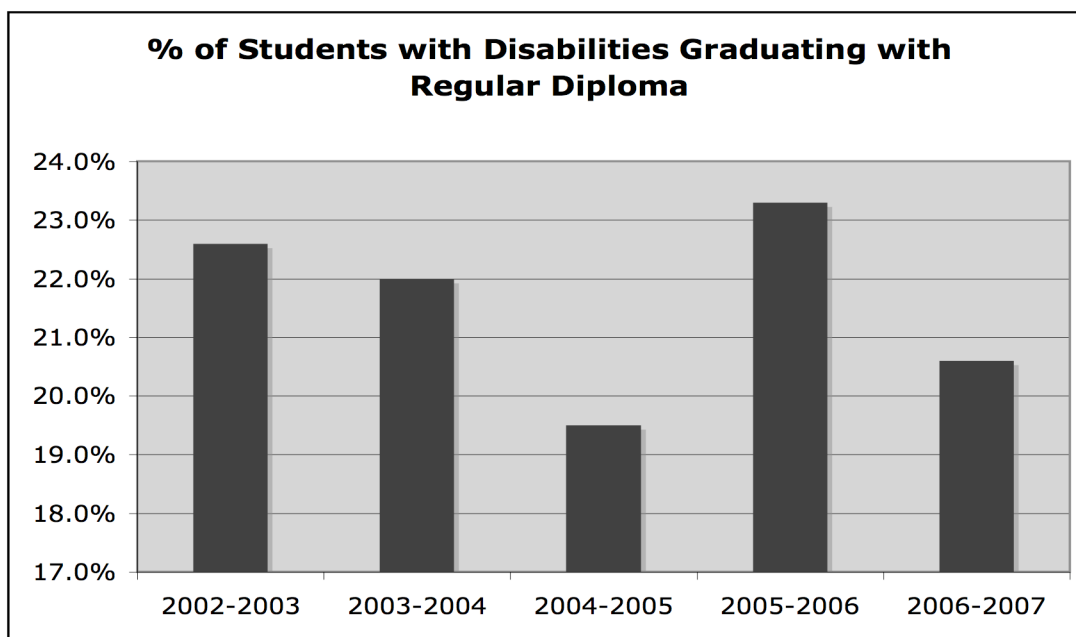
Data are not yet available for the percent of all youth in Nevada graduating with a regular diploma during the 2006-2007 school year; however, the percent of all youth in Nevada graduating with a regular diploma during 2005-2006 was 67.5%.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that Occurred for FFY 2006:**

The graduation rate for students with disabilities earning a regular diploma was 19.5% in the 2004-2005 school year, and 23.3% in the 2005-2006 school year. In FFY 2006 (2006-2007), the graduation rate was 20.6%. The target established for FFY 2006 was 22%, so Nevada experienced slippage and did not reach its target graduation rate.

The following chart shows the percent of students with disabilities graduating with a regular diploma during each of the last five school years. After a three-year decline between 2002-2003 and 2004-2005, the rate increased in 2005-2006, before declining again in 2006-2007.



**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Secondary Transition Planning and Post-School Outcomes (p. 28)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities. The STARS initiative was funded through a grant that is no longer in place. The NDE has and will continue to focus on improving results for Indicator 1 through the other improvement initiatives described in the APR, and in particular, through the Secondary Transition Planning and Post-School Outcomes initiative. Because Nevada did not make its targets for high school graduation or dropout rates, several new improvement activities have been added to this Improvement Initiative to focus on providing the services and encouragement to assist students with disabilities to stay in school and earn a regular education diploma.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 2

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2:** Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	7.4% of Nevada's youth with IEPs will drop out of high school.

#### Actual Target Data for FFY 2006:

Nevada's calculation for high school dropout rates for students with disabilities has been modified to report more timely data than was reported in both the SPP submitted in December 2005 and the APR submitted in February 2007. As directed by OSEP, this APR includes FFY 2005 and FFY 2006 data for students with disabilities who dropped out of high school.

Nevada uses an "event rate" to describe the percentage of all students who leave school each year without completing a high school program. These numbers are also submitted to the Common Core of Data (CCD) universe collection at the National Center for Education Statistics (NCES) for inclusion in a national database of public school dropout rates. Nevada adheres exactly to the standard definition and collection procedures outlined by the CCD. The overall dropout rate for grades 9-12 in the state is calculated with the following formula: Total Dropouts in Grades 9-12 (Codes 4 through 7 plus Non>Returns), divided by Fall Enrollment and Non>Returns for Grades 9-12. Codes 4 through 7 include: withdrawal of pupil at the request of the school; withdrawal of pupil by pupil, parent, or guardian; absence for 10 consecutive school days if whereabouts are unknown; incarceration; and withdrawal for unexplained absence. This formula is expressed as:

$$\frac{\text{Total Dropouts in Grades 9-12 (Codes 4 through 7, plus Non>Returns)}}{\text{Fall Enrollment + Non>Returns for Grades 9-12}}$$

As of the 2005-2006 school year, the most recent year for which statewide dropout data are available, it is not currently possible to calculate an event rate that reflects the percentage of special education students who drop out of school each year because there are an insufficient number of years for which data are available in disaggregated form. Therefore, dropout rates for students with disabilities have been calculated by dividing the number of students with disabilities who were dropouts according to the federal exit data table, by the total number of students with disabilities in grades 9-12 plus any "ungraded" students ages 14-21 as reported on the federal child count. This formula is expressed as:

# Students with Disabilities who are Dropouts, Ages 14-21

# Students with Disabilities in Grades 9-12 + "Ungraded" Students with Disabilities Ages 14-21

During FFY 2005 (2005-2006), 8.0% of Nevada's youth with IEPs dropped out of high school. There were 1,026 students who dropped out of high school, and 12,839 students with disabilities in Grades 9-12 plus "ungraded" students ages 14-21 ( $1,026 \div 12,839 = 8.0\%$ ). The percent of all youth in Nevada who dropped out during 2005-2006 was 4.6%.

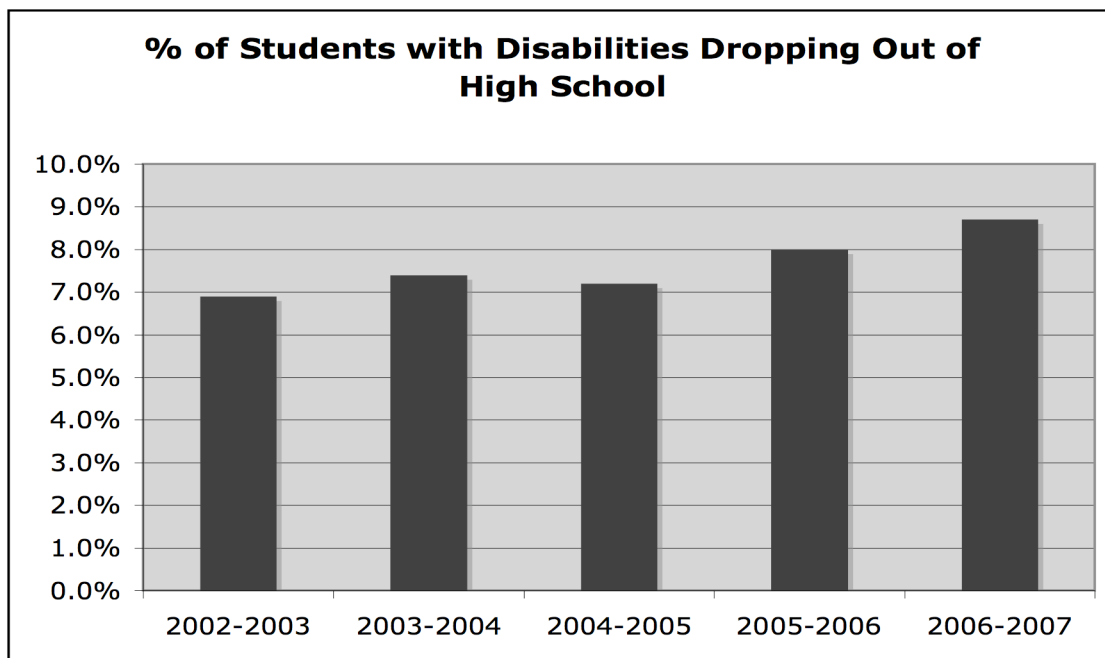
During FFY 2006 (2006-2007), 8.7% of Nevada's youth with IEPs dropped out of high school. There were 1,113 students who dropped out of high school, and 12,732 students with disabilities in Grades 9-12 plus "ungraded" students ages 14-21 ( $1,113 \div 12,732 = 8.7\%$ ).

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

The dropout rate for students with disabilities in high school was 7.4% in the 2003-2004 school year, and 7.2% in the 2004-2005 school year. In the 2005-2006 school year, the dropout rate for students with disabilities in high school was 8.0%. In 2006-2007, the dropout rate was 8.7%. The target established for FFY 2006 was 7.4%, so Nevada experienced slippage and did not reach its target graduation rate

The following chart shows the percent of students with disabilities dropping out of high school during each of the last five school years. After an increase in the dropout rate between 2002-2003 and 2003-2004, the rate lowered slightly in 2004-2005, before increasing in both 2005-2006 and 2006-2007.





**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Secondary Transition Planning and Post-School Outcomes (p. 28)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities. The STARS initiative was funded through a grant that is no longer in place. The NDE has and will continue to focus on improving results for Indicator 2 through the other improvement initiatives described in the APR, and in particular, through the Secondary Transition Planning and Post-School Outcomes initiative. Because Nevada did not make its targets for high school graduation or dropout rates, several new improvement activities have been added to this Improvement Initiative to focus on providing the services and encouragement to assist students with disabilities to stay in school and earn a regular education diploma.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 3

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: FAPE in the LRE

**Indicator 3:** Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

- A. Percent =  $\left[ \frac{\text{\# of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}}{\text{(total \# of districts that have a disability subgroup that meets the State's minimum "n" size in the State)}} \right] \times 100$ .
- B. Participation rate =
  - a. # of children with IEPs in assessed grades;
  - b. # of children with IEPs in regular assessment with no accommodations (percent =  $\left[ \frac{b}{a} \right] \times 100$ );
  - c. # of children with IEPs in regular assessment with accommodations (percent =  $\left[ \frac{c}{a} \right] \times 100$ );
  - d. # of children with IEPs in alternate assessment against grade level achievement standards (percent =  $\left[ \frac{d}{a} \right] \times 100$ ); and
  - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent =  $\left[ \frac{e}{a} \right] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $\left[ \frac{b + c + d + e}{a} \right]$ .

- C. Proficiency rate =
  - a. # of children with IEPs in assessed grades;
  - b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent =  $\left[ \frac{b}{a} \right] \times 100$ );
  - c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent =  $\left[ \frac{c}{a} \right] \times 100$ );
  - d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent =  $\left[ \frac{d}{a} \right] \times 100$ ); and
  - e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent =  $\left[ \frac{e}{a} \right] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $\left[ \frac{b + c + d + e}{a} \right]$ .

**INDICATOR 3A**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006 (2006-2007)</b>	85.7% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP objectives for progress for disability subgroup.

**INDICATOR 3B**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006 (2006-2007)</b>	95% of students with disabilities will participate in statewide assessments.

**INDICATOR 3C**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>													
<b>2006 (2006-2007)</b>	<b><i>Mathematics</i></b>							<b><i>Reading</i></b>						
	3rd	4th	5th	6th	7th	8th	10th	3rd	4th	5th	6th	7th	8th	10th
	34%	32%	26%	25%	18%	18.5%	15.5%	26.5%	27%	21.5%	21%	18%	19.5%	27%

**Actual Target Data for FFY 2006:****A. 2006-2007 Data for Percent of Districts Meeting Nevada's AYP Objectives for Disability Subgroup**

During 2006-2007, 100% of Nevada's districts with the minimum "n" size for English Language Arts (ELA) and Math met Nevada's AYP objectives for progress for the disability subgroup. See Table 3-A-1 below.

<b>Table 3-A-1</b> <b>Percent of Districts That Have a Disability Subgroup that Meets the State's Minimum "n" Size Meeting Nevada's AYP Objectives for Progress For Disability Subgroup</b> <b>2006-2007 School Year</b>		
<b># Districts With Minimum "n" Size for ELA and Math</b>	<b># Districts With Minimum "n" Size for ELA and Math that Met Nevada's AYP Objectives for Progress for Disability Subgroup</b>	<b>% of Districts With Minimum "n" Size Meeting Nevada's AYP Objectives for Progress for Disability Subgroup</b>
<b>8</b>	<b>8</b>	<b>100%</b>

The following Table 3-A-2 shows the specific analysis of whether each of Nevada's 17 school districts had the minimum "n" size for ELA and Math assessments and, if so, whether the district made AYP objectives for both ELA and Math.

**Table 3-A-2  
AYP Objectives for Disability Subgroup  
In Nevada's 17 School Districts  
2006-2007 School Year**

<b>DISTRICT</b>	<b>AYP AREAS</b>	<b>Does District Have Disability Subgroup that meets the State's Minimum "n" Size at Elementary, Middle, and High School Levels?</b>	<b>Did District Meet AYP Objectives? *</b>	<b>Did District Meet AYP Objectives in Both ELA and Math? **</b>
Carson City	ELA	Y	Y	Y
	Math	Y	Y	
Churchill	ELA	Y	Y	Y
	Math	Y	Y	
Clark	ELA	Y	Y	Y
	Math	Y	Y	
Douglas	ELA	Y	Y	Y
	Math	Y	Y	
Elko	ELA	Y	Y	Y
	Math	Y	Y	
Esmeralda	ELA	No	NA	NA
	Math	No	NA	
Eureka	ELA	No	NA	NA
	Math	No	NA	
Humboldt	ELA	N	NA	NA
	Math	N	NA	
Lander	ELA	No	NA	NA
	Math	No	NA	
Lincoln	ELA	No	NA	NA
	Math	No	NA	
Lyon	ELA	Y	Y	Y
	Math	Y	Y	
Mineral	ELA	No	NA	NA
	Math	No	NA	
Nye	ELA	Y	Y	Y
	Math	Y	Y	
Pershing	ELA	No	NA	NA
	Math	No	NA	
Storey	ELA	No	NA	NA
	Math	No	NA	
Washoe	ELA	Y	Y	Y
	Math	Y	Y	
White Pine	ELA	No	NA	NA
	Math	No	NA	

\* Y = means district met targets in participation + either achievement or safe harbor at any level (elementary, middle, or high)

\*\* NA = means district did not have the minimum "n" size for IEP students in both content areas (ELA and Math) in all three grade levels (elementary, middle, and high), so the district is not counted in the indicator calculation.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

During FFY 2005 (2005-2006), the percent of districts with the minimum "n" size making established AYP objectives for the IEP subgroup was 87.5% ( $7 \div 8 = 87.5\%$ ).

During FFY 2006 (2006-2007), there were 8 districts that met the state's minimum "n" size for calculation of AYP, and all 8 of those districts met the established AYP objectives for the IEP subgroup. The target established for FFY 2006 was 85.7%, so Nevada made progress and reached its target for districts meeting Nevada's AYP objectives for the disability subgroup.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability System (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 23)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities. The STARS initiative was funded through a grant that is no longer in place. The NDE has and will continue to focus on improving results for Indicator 3 through the other improvement initiatives described in the APR.

**B. 2006-2007 Data for Participation Rates**

During 2006-2007, 98.7% (Math) and 98.6% (ELA/Reading) of Nevada's students with disabilities participated in the statewide assessments by participating in a regular assessment with no accommodations, a regular assessment with accommodations, or an alternate assessment against alternate achievement standards. During 2006-2007, Nevada did not administer alternate assessments against grade level standards.

Participation rates for 2006-2007 were calculated by dividing the number of students with disabilities who participated in each examination by the total number of students with disabilities. The No Child Left Behind Act (NCLB) establishes a requirement that 95% of students participate in statewide assessments.

<b>Table 3-B</b>					
<b>Participation Rates for Students with Disabilities in Criterion-Referenced Assessments</b>					
<b>2006-2007 School Year</b>					
<b>Grades Assessed</b>	<b># Students With IEPs</b>	<b>Math Participants</b>		<b>ELA/Reading Participants</b>	
		<b># Assessed</b>	<b>% Assessed</b>	<b># Assessed</b>	<b>% Assessed</b>
3rd Grade	3,720	3,707	99.6%	3,707	99.7%
4th Grade	3,832	3,803	99.2%	3,806	99.3%
5th Grade	3,843	3,826	99.6%	3,828	99.6%
6th Grade	3,719	3,673	98.7%	3,670	98.6%
7th Grade	3,663	3,592	98.1%	3,600	98.3%
8th Grade	3,512	3,429	97.6%	3,424	97.5%
10th Grade	3,003	2,964	98.7%	2,903	96.6%
<b>Overall Total</b>	<b>25,292</b>	<b>24,994</b>	<b>98.8%</b>	<b>24,938</b>	<b>98.6%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

During FFY 2006 (2006-2007), 98.8% of Nevada's students with disabilities participated in the Math assessments required under NCLB; 98.6% of Nevada's students with disabilities participated in the ELA/Reading assessments. For every grade except 10<sup>th</sup>, more than 97% of students with disabilities participated in both assessments. The target established for FFY 2006 was 95%, so Nevada reached its target for the overall percent of students with disabilities participating in statewide NCLB assessments.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability System (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 23)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities. The STARS initiative was funded through a grant that is no longer in place. The NDE has and will continue to focus on improving results for Indicator 3 through the other improvement initiatives described in the APR.

**C. 2006-2007 Data for Proficiency Rates**

Proficiency rates for 2006-2007 were calculated by dividing the number of students who were proficient or above in each examination by the total number of students with disabilities. Proficiency is measured by students' performance in the following assessments:

- Regular assessment with no accommodations
- Regular assessment with accommodations
- Alternate assessment against alternate achievement standards

<b>Table 3-C-1</b> <b>Proficiency Rates for Students with Disabilities in Criterion-Referenced Assessments</b> <b>2006-2007 School Year</b>					
Grades Assessed	# Students With IEPs	Math Participants		ELA/Reading Participants	
		# Proficient	% Proficient	# Proficient	% Proficient
3rd Grade	3,720	1,293	34.8%	1,230	33.1%
4th Grade	3,832	1,458	38.0%	1,095	28.6%
5th Grade	3,843	1,084	28.2%	835	21.7%
6th Grade	3,719	861	23.2%	740	19.9%
7th Grade	3,663	795	21.7%	936	25.6%
8th Grade	3,512	610	17.4%	622	17.8%
10th Grade	3,003	452	15.1%	1,102	36.7%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

As shown on the chart below, Nevada met its targets for proficiency in Math and ELA/Reading in 9 of 14 categories: 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 7<sup>th</sup> Grade Math, and 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> Grade ELA/Reading. Targets for proficiency were not made in the five remaining categories: 6<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> Grade Math, and 6<sup>th</sup> and 8<sup>th</sup> Grade ELA/Reading.

<b>Table 3-C-2</b> <b>Analysis of % Proficient During 2006-2007 Against Targets</b>				
Content Area	Grade	Target	% Proficient 2006-2007	Target Met?
Math	3rd	34%	34.8%	Y
	4th	32%	38.0%	Y
	5th	26%	28.2%	Y
	6th	25%	23.2%	N
	7th	18%	21.7%	Y
	8th	18.5%	17.4%	N
	10th	15.5%	15.1%	N
ELA/Reading	3rd	26.5%	33.1%	Y
	4th	27%	28.6%	Y
	5th	21.5%	21.7%	Y
	6th	21%	19.9%	N
	7th	18%	25.6%	Y
	8th	19.5%	17.8%	N
	10th	27%	36.7%	Y



Proficiency results for students with disabilities taking criterion-referenced tests in Mathematics and ELA/Reading in grades 3, 5, 8, and 10 for the last four years are shown in the chart below. Arrows (up or down) reflect whether the 2004-2005 data showed an increase (↑) or a decrease (↓) when compared to the 2003-2004 data, whether the 2005-2006 data showed an increase (↑) or a decrease (↓) when compared to the 2004-2005 data, and whether the 2006-2007 data showed an increase (↑) or a decrease (↓) when compared to the 2005-2006 data.

<b>Table 3-C-3</b> <b>Students with Disabilities</b> <b>Comparison of Proficiency Rates in Mathematics and Reading</b> <b>2003-2004, 2004-2005, and 2005-2006 School Years</b>			
<b>Grade</b>	<b>School Year</b>	<b>% Proficient in Mathematics</b>	<b>% Proficient in Reading</b>
3rd Grade	2003-2004	24.4%	21.0%
	2004-2005	30.8% ↑	23.6% ↑
	2005-2006	30.5% ↓	25.7% ↑
	2006-2007	34.8% ↑	33.1% ↑
5th Grade	2003-2004	19.9%	16.3%
	2004-2005	22.5% ↑	18.3% ↑
	2005-2006	23.8% ↑	14.1% ↓
	2006-2007	28.2% ↑	21.7% ↑
8th Grade	2003-2004	12.8%	14.9%
	2004-2005	15.5% ↑	17.5% ↑
	2005-2006	15.0% ↓	16.0% ↓
	2006-2007	17.4% ↑	17.7% ↑
10th Grades	2003-2004	14.3%	35.0%
	2004-2005	12.2% ↓	25.8% ↓
	2005-2006	11.6% ↓	30.1% ↑
	2006-2007	15.1% ↑	36.7% ↑

Between 2005-2006 and 2006-2007, performance increased in Mathematics and Reading in each of the grades assessed. Therefore, in 8 out of 8 categories, Nevada's students with disabilities demonstrated improved performance when compared to the 2005-2006 school year. One year ago, in 2005-2006, students with disabilities in only 3 of 8 categories demonstrated improved performance when compared to the 2004-2005 school year.

In 2006-2007, Nevada made 9 out of 14 targets (64%) for improved performance on NCLB assessments. During the previous year, only 3 out of 8 targets (38%) were achieved. These data suggest that the improvement initiatives which have been implemented during the last year are contributing to the improved academic performance. In many areas, such as the development and implementation of general education intervention systems, school districts have begun their work, but much needs to be done before these systems are implemented with fidelity throughout all schools in each district. These data suggest that Nevada is on the right track.

Considerable attention was also given in 2006-2007 to the development of school- and district-improvement plans that focused specifically on analysis of performance data for students with disabilities, and on designing specific improvement activities targeted at improving results for students with disabilities. It is also important to note that the NDE reallocated its staff resources in FFY 2006, so there are now two consultant positions who work primarily on the development and improvement of Nevada's alternate assessment system.

Title I and non-Title I school support team leaders for schools in need of improvement for three years and beyond were trained on how to analyze proficiency data for students with disabilities, and how to interpret that data in light of other special education data. For example, team leaders were trained on how to triangulate referral data, identification rates, and placement in the least restrictive environment to understand the ways in which identification rates and placement affect the extent to which students with disabilities learn general education curriculum. The NDE contracted with an expert in this data analysis who continues to provide trend data across the state in order to reinforce the linkages among lower identification rates, higher rates of inclusive placements, and higher performance on statewide achievement tests.

In addition, school districts were encouraged to apply for District Improvement Grants (DIGs) to support their work in improving the achievement of students with disabilities, and several districts applied for and received this state set-aside IDEA funding. As one example, Humboldt County School District applied for and received a DIG to develop a system for progress monitoring and data collection, so that school staff could adjust interventions quickly when students were not making academic progress. Data collected by Humboldt County in its pilot Instructional Consultation site demonstrated how this ability to respond quickly to learners' needs increases student performance.

During FFY 2005 and FFY 2006, and continuing into FFY 2007 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. As an indication of Nevada's commitment to the successful implementation of this model, the NDE has reallocated its staffing resources so that one consultant position is assigned to work on this project full time. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Intervention Systems for Academic and Behavior Supports" Improvement Initiative (p. 19).

District-level data on the performance of students with disabilities on statewide Math and ELA/Reading assessments are not yet available. These data will be available and published by April 2008, and the NDE anticipates that there will be considerable variability among districts. When it is clear which districts did not make the performance targets, the NDE will provide technical assistance to those districts in drilling-down data and developing school- and district-improvement plans that focus more specifically on improving results for students with disabilities.

#### **Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Assessment and Accountability System (p. 4)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 23)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

#### **Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities. The STARS initiative was funded through a grant that is no longer in place. The NDE has and will continue to focus on improving results for Indicator 3 through the other improvement initiatives described in the APR.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 4-A

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: FAPE in the LRE

#### Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

#### Measurement:

- A. Percent =  $[(\# \text{ of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year}) \div (\# \text{ of districts in the State})] \times 100$ .

Include State's definition of "significant discrepancy."

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

#### Actual Target Data for FFY 2006:

Nevada's calculation for suspension/expulsion rates was the same in 2006-2007 as it was described in the December 2005 State Performance Plan and as it was reported in the February 2007 APR.

#### Sub-Indicator A. (Per OSEP instructions, reporting on Indicator 4B is not required in the FFY 2006 APR.)

Nevada compares district rates for suspension/expulsion of students with disabilities to the statewide average rate of suspension/expulsion of students with disabilities to evaluate comparability. Although the state collects suspension/expulsion data for all students, no data exist for students who do not have disabilities that are precisely comparable to the definitions required in the federal IDEA data collection (which is required to be the data set used in this analysis).

Nevada defines a district's suspension/expulsion rate as "significantly discrepant" if it is more than 25% higher than the statewide average rate. Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. These data are reported annually to OSEP in Table 5, Column 3B, Report of Children with Disabilities Subject to Disciplinary Removal.

The statewide average rate is calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days (919) by the statewide total number of students with disabilities in the districts reporting suspensions/expulsions totaling more than 10 school days (47,720). The calculation for 2006-2007 is  $919 \div 47,720 = 1.93\%$ . The threshold for significant discrepancy is calculated by adding 25% to the statewide average. The threshold calculation for 2006-2007 is  $[1.93\% + (0.25 \times 1.93)] = 2.41\%$ . District rates are calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number

of students with disabilities in the district. District rates are examined to determine whether they exceed the statewide average rate by more than 25%.

If a district exceeds the statewide average rate for suspensions/expulsions by more than 25%, the NDE conducts a review of district policies, procedures and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE reviews, and if appropriate requires affected school districts to revise, policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NDE also examines whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

Complaint investigation and due process findings of noncompliance with IDEA Part B requirements for suspension/expulsion are corrected through orders requiring, for example, that a student be returned to the placement the student was in prior to an improper disciplinary removal and/or that compensatory services be provided.

During 2006-2007, 6% of Nevada's school districts (1 of 17) were identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for more than 10 days in a school year. The statewide and school district calculations are shown below in Table 4a. Suspension/expulsion data with cell sizes smaller than 10 are included in the statewide calculations but are not considered significant for analysis.

Twelve school districts in Nevada during 2005-2006 reported suspensions or expulsions of students with disabilities for more than 10 days (Carson City, Churchill, Clark, Douglas, Elko, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, and Washoe). Significant discrepancy was identified for Clark County School District, whose district suspension/expulsion rate was 2.58, slightly higher than the threshold rate of 2.41%.

<b>Table 4a</b> <b>Statewide and District Suspension/Expulsion Rates</b> <b>2006-2007 School Year</b>		
	<b>Number of Students with Disabilities with Out-of-School Suspensions/Expulsions Totaling &gt; 10 Days As % of All Students with Disabilities</b>	
	<b># Students</b>	<b>% of Students with Disabilities</b>
<b>Students with Disabilities in Districts with Reported Suspensions = 47,720</b>	<b>919</b>	<b>1.93%</b>
<b>Statewide Average Suspension Rate + 25% = Threshold for Significant Discrepancy</b>	<b>2.41%</b>	
<b>Carson City Sch. Dist. (Child Count = 1,183)</b>	9*	0.76%*
<b>Churchill Co. Sch. Dist. (Child Count = 665)</b>	3*	0.45%*
<b>Clark Co. Sch. Dist. (Child Count = 32,178)</b>	830	<b>2.58%</b>
<b>Douglas Co. Sch. Dist. (Child Count = 817)</b>	6*	0.73%*
<b>Elko Co. Sch. Dist. (Child Count = 1,176)</b>	2*	0.17%*
<b>Humboldt Co. Sch. Dist. (Child Count = 466)</b>	2*	0.43%*
<b>Lander Co. Sch. Dist. (Child Count = 156)</b>	5*	3.21%*
<b>Lyon Co. Sch. Dist. (Child Count = 1,266)</b>	1*	0.08%*
<b>Mineral Co. Sch. Dist. (Child Count = 98)</b>	2*	2.04%*
<b>Nye Co. Sch. Dist. (Child Count = 1,115)</b>	4*	0.36%*
<b>Pershing Co. Sch. Dist. (Child Count = 146)</b>	1*	0.68%*
<b>Washoe Co. Sch. Dist. (Child Count = 8,454)</b>	54	0.64%

\* Cell size smaller than 10 students; results not considered significant.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

Nevada targeted that 0% of districts would be identified by the NDE as having a significant discrepancy in the rates of suspension and expulsions of children with disabilities for greater than 10 days in a school year. One of 17 districts (Clark County) was identified as having a significant discrepancy in its rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year ( $1 \div 17 = 5.9\%$ ). Consequently, Nevada did not reach its target for this indicator.

Significant discrepancies do not necessarily reflect systemic noncompliance with IDEA requirements, and they do not necessarily reflect a lack of commitment to positive behavioral interventions and supports. A significant discrepancy can result when, as in this case, a large district (Washoe) has had a policy which discourages the suspension or expulsion of students with disabilities, but when Washoe County's child count is added to the denominator in the calculation, a district like Clark County will be found to have a significant discrepancy from the statewide average.

As part of Nevada's Special Education Focused Monitoring and Program Improvement System, policies and procedures for each district are reviewed for compliance with state and federal discipline requirements as those requirements are described in the procedural safeguards provisions in the IDEA statute and regulations. The NDE has published a technical assistance document describing discipline procedures in detail, including detailed steps for complying with the procedural safeguards requirements. Most of Nevada's school districts incorporate this manual into their policies and procedures documents. Model forms for manifestation determinations, functional behavior assessments, and behavior intervention plans have also been developed and disseminated to districts. These forms are in use in most of Nevada's school districts; and if districts do not use the model forms, their forms are evaluated by the NDE for compliance with legal requirements.

Procedural safeguards which are reviewed for compliance with state and federal discipline requirements include all those described in 34 CFR 300.530—536, specifically focusing on:

- consideration of unique circumstances on a case-by-case basis when determining whether a disciplinary change of placement is appropriate
- school district option to remove a student for not more than 10 consecutive school days to the extent that such consequences are applied to students without disabilities
- provision of notice to the parent when a disciplinary change of place is sought by the district, with a copy of the state's procedural safeguards notice ("rights" document)
- conducting a manifestation determination within requirements for timelines, participants (including district and parent role in determining relevant IEP team members), review of data, addressing proper criteria for determining whether conduct is a manifestation of disability, and taking subsequent actions based on that determination:
  - if conduct is a manifestation of disability, functional behavioral assessments and behavioral intervention plans are addressed, and the student is returned to pre-disciplinary action placement
    - if the conduct in question was found to be a manifestation as the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies
  - if conduct is not a manifestation of disability, removal may occur in the same manner and for the same duration in which the procedures would be applied to students without disabilities, although it may be provided in an interim alternative educational setting as determined by the IEP team

- students removed under this provision must continue to receive FAPE so as to enable the student to continue to participate in general curriculum and to progress toward meeting IEP goals
- as appropriate, these students are also to receive a functional behavioral assessment, behavioral intervention services and modifications, designed to address the behavior violation so that it does not recur
- exceptions to stay-put and other specific provisions relating to removals for weapons, drugs/controlled substances, and/or infliction of serious bodily injury for not more than 45 school days

In addition, IEPs are monitored to determine whether IEP committees consider whether students have behavior that impedes their learning or the learning of others, and, if so, whether IEPs contain services and supports to address behavior needs, including positive behavioral interventions and supports. No findings of noncompliance have been made concerning this requirement during the last five years. Significantly, as a proactive step in this regard, Nevada has revised its state regulations to require IEP teams to address behavior in IEPs whenever behavior impedes the student's learning or the learning of others—the federal regulation only requires that IEP teams "consider the use" of strategies to address that behavior.

The following additional IEP provisions that are particularly relevant to addressing student behavior are also monitored:

- IEP must include a statement of the student's present levels of academic achievement and functional performance, which should address behavior in appropriate cases
- IEP must include a statement of the special education and related services and supplementary aids and services to be provided to the student, including services to address behavior needs
- IEPs must be implemented as written

Formal training in the discipline requirements under the IDEA, including IEP development, the provision of positive behavioral supports, and compliance with procedural safeguards is offered to Nevada's special education administrators at least annually at various SEDA meetings. Technical assistance is offered to districts on a case-by-case basis to ensure that proper and proactive procedures are followed.

During 2006-2007, one complaint investigation was filed against Clark County School District alleging noncompliance with Part B IDEA disciplinary requirements. Noncompliance findings were found in this single investigation for failure to provide prior written notice of a proposal to conduct a manifestation determination at an IEP meeting and failure to provide services on the 11<sup>th</sup> day of removal. As a consequence of these findings, policies, procedures, and practices in Clark County School District were reviewed and revised as necessary, and compensatory services were provided to correct the noncompliance created by the failure to provide services on the 11<sup>th</sup> day of removal.

#### Clark County School District Improvement Activities

Clark County School District (CCSD) has been involved in Positive Behavioral Supports/School-wide Behavior Plan Training since the 2003-2004 school year. Initially two projects were implemented, which include PBS Nevada and Dr. Randy Sprick's *Safe & Civil Schools*. During the initial year, 7 schools began in the PBS Nevada Project and 13 schools began in Cohort I with Dr. Sprick. One additional Cohort was added to that project each year. During the 2005-2006 school year, the two projects and the components of each were combined into one School-wide Positive Behavioral Supports Project, which is described fully in Nevada's FFY 2005 APR. Currently there are four Cohorts and 44 schools actively participating in the *Safe & Civil Schools* project.

In addition to the School-wide Positive Behavioral Supports training, the district has provided staff development for the SEC (Specialized Emotionally Challenged) program teachers and

paraprofessionals in positive behavioral supports and classroom management, specifically utilizing the "CHAMPs" curriculum and "Discipline in the Secondary Classroom" developed by Dr. Randy Sprick. These training opportunities take place on district-wide staff development days, which usually occur four times per year. Additionally, the Professional Development Department offers after-school roundtable meetings for those teachers who are unable to attend during school hours. It is the goal of the Student Support Services Division to train as many SEC teachers and paraprofessionals as possible in the "CHAMPs" and "Discipline in the Secondary Classroom" curricula so as to provide continuity across the district as students move through grade levels as well as to different areas of the district, which addresses the transient students in the CCSD. Training was also provided to the district school psychologists this year in SEC student behavioral characteristics and *Foundations*, the curriculum developed by Dr. Sprick to provide school-wide behavior plan training.

As Clark County School District is currently the 5<sup>th</sup> largest district in the United States, and continues to grow, it is imperative for the district to provide quality training in the area of positive behavioral supports. Based upon the feedback received from the school personnel and administration, as well as discipline data and attendance information, continued progress is being made in the endeavor to enhance the quality of schools and educate students in a healthy environment.

#### **Correction of Previously Identified Noncompliance**

The previously identified noncompliance was in two complaint investigations for Clark County School District in 2005-2006, and this noncompliance was corrected during 2005-2006. Consequently, no previously identified noncompliance remains uncorrected.

#### **Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 23)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

#### **Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities. The STARS initiative was funded through a grant that is no longer in place. The NDE has and will continue to focus on improving results for Indicator 4a through the other improvement initiatives described in the APR.

During the Spring 2007 Legislative session, considerable interest was generated in expanding school-wide and district-wide systems to support positive behavior interventions. As a result of this interest, during FFY 2007 and beyond, the NDE will collaborate with school districts and the Nevada Department of Human Resources to form a broad-based committee who will investigate models currently in use and others which might be recommended. The NDE's model technical assistance document on providing positive behavior supports will be revised; training and other forms of dissemination will be used to expand the options available to schools as they work with students and families to support positive behavior outcomes. These improvement activities have been added to the "Intervention Systems for Academic and Behavior Supports" Improvement Initiative (p. 19).

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 5

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: FAPE in the LRE

**Indicator 5:** Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

#### Measurement:

- A. Percent = [(# of children with IEPs removed from regular class less than 21% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs removed from regular class greater than 60% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	A. 54.0% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.6% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.

#### Actual Target Data for FFY 2006:

- A. During 2006-2007, 58.9% of students with IEPs were removed from regular class less than 21% of the day (25,063 students removed from regular class less than 21% of the day, divided by 42,561 students with IEPs ages 6-21).
- B. During 2006-2007, 13.2% of students with IEPs were removed from regular class greater than 60% of the day (5,616 students removed from regular class greater than 60% of the day, divided by 42,561 students with IEPs ages 6-21).
- C. During 2006-2007, 1.7% of students with IEPs were served in public or private separate schools, residential placements or homebound or hospital placements (728 students served in public or private separate schools, residential placements or homebound or hospital placements, divided by 42,561 students with IEPs ages 6-21).



**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

The target for 2006-2007 was 54.0% of students with IEPs that were removed from regular class less than 21% of the day, and the actual data reflected 58.9% of students removed from regular class less than 21% of the day. In this instance, a higher percentage than the target represents progress, and Nevada reached its target. The percentage during 2005-2006 was 63.8%, but since students in correctional facilities and private school placements are now counted separately, rather than as a duplicate count within the various LRE categories, it is not surprising that the % for the most inclusive placement categories has lowered slightly.

Progress was also made in the percent of students with IEPs that were removed from regular class greater than 60% of the day. The target for 2006-2007 was 15.6%, but only 13.2% of students were removed from regular class greater than 60% of the day. In this instance, a lower percentage than the target represents progress, and Nevada reached its target. During 2005-2006, the percentage was 15.6%, so progress was made in lowering the percentage of students in this category.

Progress was also made in the percent of students with IEPs served in public or private separate schools, residential placements or homebound or hospital placements. The target for 2006-2007 was 1.7%, and 1.7% of students were served in these placements; therefore, Nevada reached its target. During 2005-2006, the percentage was 2.0%, so progress was made in lowering the percentage of students in this category.

Title I and non-Title I school support team leaders for schools in need of improvement for three years and beyond were trained on how to analyze proficiency data for students with disabilities, and how to interpret that data in light of other special education data. For example, team leaders were trained on how to triangulate referral data, identification rates, and placement in the least restrictive environment to understand the ways in which identification rates and placement affect the extent to which students with disabilities learn general education curriculum. The NDE contracted with an expert in this data analysis who continues to provide trend data across the state in order to reinforce the linkages among lower identification rates, higher rates of inclusive placements, and higher performance on statewide achievement tests.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 1)
- Intervention Systems for Academic and Behavior Supports (p. 19)
- Professional Development (p. 23)
- Secondary Transition Planning and Post-School Outcomes (p. 28)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

**Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006****INDICATOR 6****Overview of the Annual Performance Report Development:**

See description in Introduction.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 6:** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

**Data for FFY 2006:**

The instructions for collecting preschool least restrictive environment (LRE) data under section 618 state-reported data requirements were revised for the 2006-2007 school year. The new preschool LRE 618 collection is significantly different from the previous collection, and not consistent with Indicator 6. Therefore, OSEP has directed states not to report on Indicator 6 for the FFY 2006 APR. In the future, OSEP will propose changes to Indicator 6 consistent with the revised 618 state-reported data requirements regarding preschool LRE.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 8

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

#### Measurement:

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	72% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving statements and results for children with disabilities.

#### Actual Target Data for FFY 2006:

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The NCSEAM parent survey used by the NDE was developed in collaboration with a national stakeholder group. The questions on the survey were ranked by the stakeholder group, which established a standard value for each question. Standard values range from 490, determined to be the "easiest" question on which to get a response in the agreement range, to 673, which the group believed represented the most difficult question on which to obtain an agreement response. The stakeholder group determined that a standard value of 600 represented the threshold for indicating whether schools facilitated parent involvement as a means of improving services and results for children with disabilities. Therefore, NCSEAM recommended that a standard score of 600 be used to establish the degree to which Indicator 8 is being met. The question on the survey that has a standard value of 600 is question #25: "The school explains what options parents have if they disagree with a decision of the school."

Nevada's sampling plan for dissemination of this survey was approved in the submission of the original SPP in December 2005 and has not changed.

During 2006-2007, parent surveys were disseminated to parents of all students with disabilities in eight districts scheduled for a comprehensive compliance monitoring visit (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, and White Pine). In addition, a sample was selected for parent survey in Clark and Washoe County school districts because they have an ADM of more than 50,000 students. Surveys were sent to 9,253 parents, and a total of 980 responses were received (42 responses had missing data), for a 10.6% response rate. According to NCSEAM, this number exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (e.g., <http://www.surveysystem.com/sscalc.htm>).

Response rate is less an indicator of the validity of survey results than the representativeness of survey respondents when compared to the pool of possible respondents from which they were drawn. In order to examine the representativeness of the respondents in the 2006-2007 parent survey, the survey respondents were compared to the December 1, 2006, child count for race/ethnicity and disability category. In the disability category comparison, the respondents were comparable to the child count in nearly every category. For example, 46% of the responding parents were the parents of children with learning disabilities (compared to 52% in the child count); 8% of the responding parents were the parents of children with developmental delays (compared to 7% in the child count); 4% were the parents of children with emotional disturbance (compared to 4% in the child count); and 6% were the parents of children with multiple impairments (compared to 4% in the child count). However, 8% of the respondents were parents of children with autism (compared to only 4% in the child count), apparently reflecting a particularly high degree of interest in the survey questions on behalf of the parents of children with autism.

Analysis of the race/ethnicity in the survey respondents when compared to the December 1, 2006, child count showed very close representativeness in categories for American Indian/Alaskan Native (2% of the respondents; 2% in the child count), Asian/Pacific Islander (3% of the respondents; 4% in the child count), Black/African American (7% of the respondents; 8% in the child count), and White (52% of the respondents, 57% in the child count). Respondents in the Hispanic/Latino category were not representative (17% of the respondents, 29% in the child count). However, 19% of the survey respondents did not indicate race/ethnic category, and if a disproportionate number of parents in the "race/ethnicity data missing" category were in the Hispanic/Latino category, then the Hispanic/Latino category may have been more representative than the data indicate. The NDE is working with NCSEAM to create the capacity to reconstruct race/ethnicity when not indicated on the survey. This improvement in the data analysis will assist the NDE when examining the representativeness of the parent survey respondents when compared to the child count data.

Following is a table showing statewide and district-level data for respondents to the parent survey during 2006-2007.

<b>Table 8</b> <b>Numbers and Percentage of Parents</b> <b>Responding "Agree, Strongly Agree, Very Strongly Agree"</b> <b>with Question 25 on NCSEAM Survey</b>			
<b>School District</b>	<b># of Surveys Received</b>	<b># Surveys Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25</b>	<b>% Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25</b>
Statewide	938	640	68.2%
Clark	319	236	74%
Elko	155	97	62.6%
Eureka	< 10*	--	--
Esmeralda	< 10	--	--
Humboldt	67	39	58.2%
Lander	13	4	30.8%
Lincoln	< 10	--	--
Pershing	< 10	--	--
Washoe	344	248	72.1%
White Pine	29	11	37.9%

\* Data are not reported for districts where fewer than 10 parents responded to the survey.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

During 2006-2007, 68.2% of Nevada parents responded in agreement to this question, down slightly from 71.2% during 2005-2006. Consequently, Nevada did not reach its target for this indicator. The response rate during 2006-2007 was also down from 2005-2006, from 18.5% to 10.6%. However the representativeness of the responses when compared to the December 1, 2006, child count was comparable in most respects, suggesting that the data are valid despite a lower response rate.

Although NCSEAM uses Question 25 as a "proxy" for measuring the extent to which "parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities" (the actual "indicator" for this measure), it is also important to note that 90% or more of parents agreed with the following survey items:

- At the IEP meeting, we discussed accommodations and modifications that my child would need. (91%)
- Teachers and administrators respect my cultural heritage. (92%)
- My child's evaluation report is written in terms I understand. (90%)
- Written information I receive is written in an understandable way. (91%)

Between 80-89% of parents agreed with the following survey items, many of which directly reflect the extent to which schools actually do facilitate parent involvement:

- Teachers are available to speak with me. (88%)
- I am considered an equal partner with teachers and other professionals in planning my child's program. (84%)
- Teachers treat me as a team member. (84%)
- All of my concerns and recommendations were documented on the IEP. (87%)
- The school has a person on staff who is available to answer parents' questions. (84%)
- Teachers and administrators ensure that I have fully understood the Procedural Safeguards. (85%)

Fewer than 70% of parents agreed with the following survey items:

- The school communicates regularly with me regarding my child's progress on IEP goals. (69%)
- The school gives me choices with regard to services that address my child's needs. (69%)
- I have been asked for my opinion about how well the special education services my child receives are meeting my child's needs. (64%)
- **The school explains what options parents have if they disagree with a decision of the school. (68%) (This is the question NCSEAM established as the "proxy" for measuring parent involvement.)**
- The school provides information on agencies that can assist my child in the transition from school. (55%) \*\*
- I was given information about organizations that offer support for parents of students with disabilities. (46%)
- The school offers parents training about special education issues. (43%)
- I was given information about options my child will have after high school. (39%) \*\*

\*\* Given that only 33% of the respondents had students in 9-12<sup>th</sup> grade, these percentages are quite positive.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Dispute Resolution System (p. 12)
- Professional Development (p. 23)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

A strategy has been added to the Special Education Focused Monitoring and Program Improvement System initiative to address the number of parent survey responses that did not reflect race/ethnic categories so that representativeness can be more completely evaluated in future years.

In addition, minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 9

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Disproportionality

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	0% of school districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

#### Actual Target Data for FFY 2006:

##### Criteria for Defining "Disproportionate Representation"

A weighted risk ratio analysis will be used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for the five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation will be identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. Disproportionate under-representation will be identified when the weighted risk ratio is -0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. This analysis results in identification of districts with possible disproportionate over- or under-representation resulting from inappropriate identification.

##### Determining "Inappropriate Identification"

If disproportionate representation is identified in a district, the following policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities. See the State Performance Plan for a discussion of the process used to develop this approach.

##### Review of Policies

- Policies established by the Nevada State Board of Education

- Policies established by the Nevada Department of Education
- Policies established by local Boards of Trustees

### **Review of Procedures**

- Provisions for nondiscriminatory evaluations established in Nevada Administrative Code
- Provisions for identification as a student with a particular disability established in Nevada Administrative Code
- Procedures in state monitoring system to evaluate compliance with federal and state law
- Provisions for identification and evaluation contained in local procedures manuals

### **Review of Practices**

- Monitoring data regarding compliance with identification and evaluation requirements in federal and state law
- Referral data (including referral rates) to answer the following questions:
  - Are minority students referred for evaluations disproportionately to their proportion in regular education?
  - Are disproportionate referrals the source for the disproportionate number of such students receiving special education services or within specific areas of disability?
  - What are the criteria, policies, and procedures that apply to the referral process?
  - Are referral policies and practices applied differently to different racial/ethnic groups?
  - Are referral sources different for different racial/ethnic groups of students?
  - Are certain teachers or other school staff referring disproportionate numbers of students?
  - Are students in different race/ethnic groups referred for different reasons?
  - Are students that exhibit similar academic, behavioral, and/or emotional problems treated similarly in the evaluation referral process?
- Evaluation data to answer the following questions:
  - Is the evaluation/eligibility determination process the source for disproportionality?
  - What are the district's criteria, policies and procedures—are they facially neutral?
  - What tests/evaluations are used?
  - Is there different treatment in use of tests/evaluation materials?
  - Are there differences in types of tests/evaluation instruments and other assessment measures?
  - Does evidence suggest that particular diagnosticians are responsible?
- Eligibility data to answer the following questions:
  - Is information gathered from a variety of sources?
  - Is information documented and carefully considered?
  - Are decisions made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and placement options?
  - Are particular diagnosticians responsible for different eligibility determinations?
  - What does a comparison among different racial/ethnic groups of students reveal:
    - Eligibility based on same or similar test/assessment results and other supporting documentation
    - Type and amount of documentation supporting eligibility decision
    - Evidence supporting eligibility decisions
    - Differences in evaluation results or "profile" of students found eligible or not eligible that suggest possible different treatment

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.



**Determination of Disproportionate Representation for FFY 2005**

As directed by OSEP, Nevada has recalculated its determination of whether disproportionate over- or under-representation existed for students in any of the five race/ethnic groups during FFY 2005. To accomplish this task, child count data were analyzed for 12/1/2003, 12/1/2004, and 12/1/2005 using the WESTAT disproportionality analysis tool, which compares district child count data to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup. No district had a three-year trend demonstrating disproportionate over- or under-representation of students as students with disabilities for any race/ethnic subgroup.

**Determination of Disproportionate Representation for FFY 2006**

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students in any of the five race/ethnic groups during FFY 2006 by analyzing child count data for 12/1/2004, 12/1/2005, and 12/1/2006 using the WESTAT disproportionality analysis tool, which compares district child count data to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup. No district had a three-year trend demonstrating disproportionate over- or under-representation of students as students with disabilities for any race/ethnic subgroup. Thus, there was no disproportionate representation in any district, in any race/ethnic subgroup, in the FFY 2006 "annual" determination of disproportionate representation of race/ethnic groups in special education.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:****Explanation of Progress or Slippage that occurred for FFY 2006:**

Because there was no disproportionate representation in FFY 2005, and none in FFY 2006, there was no requirement to analyze whether the disproportionate representation was the result of inappropriate identification. Thus, there is no progress or slippage to report. In both FFY 2005 and FFY 2006 the state met its target of having no disproportionate representation that is the result of inappropriate identification.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Intervention Systems for Academic and Behavior Supports (p. 19)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 10

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Disproportionality

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

**Measurement:** Percent =  $\left[ \frac{\text{(\# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification)}}{\text{(\# of districts in the State)}} \right] \times 100$ .

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

#### Actual Target Data for FFY 2006:

##### Criteria for Defining "Disproportionate Representation"

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation within each race/ethnicity category, for the following disability categories:

- Mental retardation
- Specific learning disabilities
- Emotional disturbance
- Speech or language impairments
- Other health impairments
- Autism

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation is identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least 25 students in the special education population or in a particular disability category within the district. Disproportionate under-representation will be identified when the weighted risk ratio is -0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. This analysis results in identification of districts with possible disproportionate over- or under-representation resulting from inappropriate identification.

**Determining “Inappropriate Identification”**

If disproportionate representation is identified in a district, the following policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities. See the State Performance Plan for a discussion of the process used to develop this approach.

**Review of Policies**

- Policies established by the Nevada State Board of Education
- Policies established by the Nevada Department of Education
- Policies established by local Boards of Trustees

**Review of Procedures**

- Provisions for nondiscriminatory evaluations established in Nevada Administrative Code
- Provisions for identification as a student with a particular disability established in Nevada Administrative Code
- Procedures in state monitoring system to evaluate compliance with federal and state law
- Provisions for identification and evaluation contained in local procedures manuals

**Review of Practices**

- Monitoring data regarding compliance with identification and evaluation requirements in federal and state law
- Referral data (including referral rates) to answer the following questions:
  - Are minority students referred for evaluations disproportionately to their proportion in regular education?
  - Are disproportionate referrals the source for the disproportionate number of such students receiving special education services or within specific areas of disability?
  - What are the criteria, policies, and procedures that apply to the referral process?
  - Are referral policies and practices applied differently to different racial/ethnic groups?
  - Are referral sources different for different racial/ethnic groups of students?
  - Are certain teachers or other school staff referring disproportionate numbers of students?
  - Are students in different race/ethnic groups referred for different reasons?
  - Are students that exhibit similar academic, behavioral, and/or emotional problems treated similarly in the evaluation referral process?
- Evaluation data to answer the following questions:
  - Is the evaluation/eligibility determination process the source for disproportionality?
  - What are the district's criteria, policies and procedures—are they facially neutral?
  - What tests/evaluations are used?
  - Is there different treatment in use of tests/evaluation materials?
  - Are there differences in types of tests/evaluation instruments and other assessment measures?
  - Does evidence suggest that particular diagnosticians are responsible?
- Eligibility data to answer the following questions:
  - Is information gathered from a variety of sources?
  - Is information documented and carefully considered?
  - Are decisions made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and placement options?
  - Are particular diagnosticians responsible for different eligibility determinations?
  - What does a comparison among different racial/ethnic groups of students reveal:
    - Eligibility based on same or similar test/assessment results and other supporting documentation
    - Type and amount of documentation supporting eligibility decision

- Evidence supporting eligibility decisions
- Differences in evaluation results or "profile" of students found eligible or not eligible that suggest possible different treatment

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

#### **Determination of Disproportionate Representation for FFY 2005**

As directed by OSEP, Nevada has recalculated its determination of whether disproportionate over- or under-representation existed for students with particular disabilities in any of the five race/ethnic groups during FFY 2005. To accomplish this task, child count data were analyzed for 12/1/2003, 12/1/2004, and 12/1/2005 using the WESTAT disproportionality analysis tool, which compares district child count data in each of six different disability categories (autism, mental retardation, learning disabilities, emotional disturbance, speech and language impairments, and other health impairments) to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup, in any of the six disability categories. This analysis revealed the following:

- Washoe County School District had over-representation of African American students in the emotional disturbance disability category.
- Clark County School District had under-representation of Hispanic students in the emotional disturbance category.

The existence of disproportionate representation does not violate Part B. Analysis under this indicator requires that the NDE must determine whether any disproportionate representation is the result of inappropriate identification policies, procedures, or practices. See analysis below.

#### **Determination of Disproportionate Representation for FFY 2006**

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students with particular disabilities in any of the five race/ethnic groups during FFY 2006. To accomplish this task, child count data were analyzed for 12/1/2004, 12/1/2005, and 12/1/2006 using the WESTAT disproportionality analysis tool, which compares district child count data in six different disability categories (autism, mental retardation, learning disabilities, emotional disturbance, speech and language impairments, and other health impairments) to district enrollment data. Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup, in any of the six disability categories. This analysis revealed the following:

- Washoe County School District had over-representation of African American students in the emotional disturbance disability category, and under-representation of Hispanic in the emotional disturbance category.
- Clark County School District had under-representation of Hispanic and Asian students in the emotional disturbance category.

The existence of disproportionate representation does not violate Part B. Analysis under this indicator requires that the NDE must determine whether any disproportionate representation is the result of inappropriate identification policies, procedures, or practices. See analysis below.

#### **Disproportionate Representation as the Result of Inappropriate Identification**

Clark County School District. This discussion addresses the data for FFY 2005 and FFY 2006 revealing disproportionate representation associated with the under-representation of Hispanic students with emotional disturbance (FFY 2005 and FFY 2006) and the under-representation of Asian students with emotional disturbance (FFY 2006), for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2004, the NDE conducted a comprehensive monitoring of all policies and procedures in Clark County School District, and they were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In the fall of 2007, these policies and procedures were review again, and found to comply with Part B.

Data gathered through on-site monitoring of student records in FFY 2004, FFY 2005 and FFY 2006, as well as record reviews already conducted in FFY 2007 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having a disability, in the evaluation of students suspected of having a disability, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with disabilities in due process hearings or complaint investigations in Clark County during FFY 2005 or FFY 2006.

As this report was prepared, the NDE analyzed data from the December 1, 2007, child count (FFY 2007 data) for evidence of disproportionate representation, and found that the under-representation among Hispanic students with emotional disturbance no longer exists.

Clark County School District has undertaken a significant effort to review its child count data for evidence of disproportionate representation, focused on identifying over-representation within race/ethnic categories at the school level, but also examining the data for evidence of under-representation. School-level data have been analyzed since 2003 in the categories of mental retardation, emotional disturbance, and learning disabilities, and the district has used this data to develop and implement the following proactive technical assistance activities to address race/ethnic disproportionality in the identification of students with disabilities:

- support for the Student Intervention Program teams that include web-based training and the implementation of the multidisciplinary evaluation team "Evidence Scale"
- the development of a pilot program for the Response to Intervention process
- district-wide training regarding the issue of disproportionality at the district, region, and school levels
- data-based analysis of region and school data for annual child counts
- implementation of the Inclusive Schools Project and the Positive Behavioral Supports Program to assist schools in dealing with individual student academic and behavior problems

In addition, the Clark County School District has developed specific training materials for the "problem-solving process" with students who are English Language Learners. The training explains Tier One and Tier Two considerations for staff who are implementing a tiered approach to general education interventions. Infused into the process are careful considerations of the following factors when a special education referral is contemplated: age at which second language was introduced, preschool experiences, prior educational history, instruction in literacy skills in primary language, intervention data collected over a period of time, and measures of limited English proficiency. The comprehensiveness of this process is likely to produce referrals for students with limited English proficiency who do have disabilities. Further, the implementation of an intervention model with features to support English Language Learners is likely to ensure that students who do have disabilities are not overlooked in the referral process. Thus, the intervention model for students who are English Language Learners will assist the district in addressing disproportionate representation among a certain group of Hispanic students.

Based on the Clark County School District analysis of data between the years 2003-2007, the district made the following recommendations, among others, in its annual report issued in July 2007. These recommendations align precisely with the perspectives and priorities of the NDE:

1. Prevention efforts regarding low achievement and behavioral problems are especially important because changing special education needs and placements *subsequent* to chronic failure in general education is nearly impossible. Prevention was endorsed in the National Research Council report on the disproportionate representation of minority students in special and gifted education as the most effective method to address overrepresentation

2. Efforts to improve representation patterns should focus on research validated interventions for achievement (especially early reading and math) and behavior problems through prevention and early identification/treatment in general education. Prevention and early identification/treatment in general education are significantly more effective in changing representation patterns rather than waiting until after students have been referred to special education for eligibility determination.

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during each of the last four fiscal years, the analysis of due process hearings and complaint investigations, the most recent analysis of disproportionate representation based on the December 1, 2007, child count, together with the comprehensive and ongoing evaluation of disproportionality occurring in Clark County School District, the NDE has determined that any under-representation occurring in FFY 2005 or FFY 2006 is not the result of inappropriate identification policies, procedures, or practices.

Washoe County School District. This discussion addresses the data for FFY 2005 and FFY 2006 revealing disproportionate representation associated with the over-representation of African American students with emotional disturbance (FFY 2005 and FFY 2006) and the under-representation of Hispanic students with emotional disturbance (FFY 2006), for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2005, the NDE conducted a comprehensive monitoring of all policies and procedures in Washoe County School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. In the fall of 2007, these policies and procedures were review again, and found to comply with Part B.

Data gathered through on-site monitoring of actual student records in FFY 2005 and FFY 2006, as well as record review already conducted in FFY 2007 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having a disability, in the evaluation of students suspected of having a disability, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with disabilities in due process hearings or complaint investigations in Washoe County during FFY 2005 or FFY 2006. In addition, the Washoe County School District in FFY 2006 and FFY 2007 has undertaken a district-wide effort to implement improvements in its general education intervention system, including the development of procedures for providing student-targeted interventions to improve performance in academic achievement and behavior.

As this report was prepared, the NDE analyzed data from the December 1, 2007, child count (FFY 2007 data) for evidence of disproportionate representation, and found that the over-representation among African American students with emotional disturbance no longer exists.

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during each of the last three fiscal years, the analysis of due process hearings and complaint investigations, and the most recent analysis of disproportionate representation based on the December 1, 2007, child count, the NDE has determined that any over-representation or under-representation occurring in Washoe County in FFY 2005 or FFY 2006 is not the result of inappropriate identification policies, procedures, or practices.

Statewide General Education Intervention Initiative. During FFY 2005 and FFY 2006, and continuing into FFY 2007 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. As an indication of Nevada's commitment to the successful implementation of this model, the NDE has reallocated its staffing resources so that one

consultant position is assigned to work on this project full time. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Intervention Systems for Academic and Behavior Supports" Improvement Initiative (p. 19).

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

Based on its review of policies, procedures, and practices, the NDE has determined that the over-representation and under-representation of students with disabilities in the emotional disturbance category was not due to inappropriate identification in either FFY 2005 or FFY 2006. The state has made its target for this indicator for FFY 2006.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Intervention Systems for Academic and Behavior Supports (p. 19)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 11

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / Child Find**

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- # of children for whom parental consent to evaluate was received.
- # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.

#### Actual Target Data for FFY 2006:

During 2006-2007, 83% percent of children with parental consent to evaluate were evaluated within 45 school days. In Nevada, the completion of the initial evaluation occurs when the eligibility team, including the parent, has made an eligibility decision; under state regulations this decision must occur within 45 school days after the parent provides written consent for the initial evaluation.

<b>Table 11 PERCENT OF CHILDREN WITH PARENTAL CONSENT TO EVALUATE, WHO WERE EVALUATED WITHIN 45 SCHOOL DAYS (2006-2007)</b>			
<b># Students with Consent for Initial Evaluation* (a)</b>	<b># Students Evaluated within 45 School Days and Determined Not Eligible (b)</b>	<b># Students Evaluated within 45 School Days and Determined Eligible (c)</b>	<b># Students Evaluated within 45 School Days as % of Students with Consent for Initial Evaluation [(b + c) ÷ (a) x 100]</b>
7,755	956	5,482	83%

\* Data do not include students with consent for initial evaluation if the evaluation was not completed because the child moved prior to completing the evaluation, or because consent was withdrawn by the parent prior to completing the evaluation. Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation, usually based upon the illness of the child.

Of the 1,489 children with parental consent to evaluate who were not evaluated within 45 school days (including children whose parents repeatedly did not produce the child for evaluation, usually based on



the illness of the child), 1,074 (72%) were evaluated 1-15 school days beyond the 45-school-day timeline, and 415 (28%) were evaluated 16 school days or more beyond the 45-school-day timeline.

Reasons for delays beyond the 45-school-day timeline included the following:

- 172 were delayed because the parents repeatedly did not produce the child for the evaluation, usually based upon the illness of the child [pursuant to OSEP direction, these children were subtracted from the denominator since they are exceptions to the timeline regulation under 34 CFR 300.301(d)]

A total of 1,317 (1,489 - 172) additional delays were created for the following reasons:

- 482 were delayed because of parent scheduling issues (cancelled/rescheduled meetings)
- 715 were delayed because of district scheduling/staffing issues
- 120 were delayed for other reasons

Therefore, 37% of the remaining delays were caused by parent scheduling issues ( $482 \div 1,317$  delays = 37%). It is important to note that if these delays, over which the school districts have no control (short of convening eligibility meetings without parent participation) were subtracted from the number of children with parental consent to evaluate, the state would have a compliance percentage of 89% [ $6,438$  on-time initial evaluations  $\div$  ( $7,755 - 482$ ) = 89%].

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

##### **Explanation of Progress or Slippage that occurred for FFY 2006:**

During 2006-2007, 83% percent of children with parental consent to evaluate were evaluated within 45 school days. Nevada did not reach its target for this indicator. However, progress has been made. During 2005-2006, 76.4% percent of children with parental consent to evaluate were evaluated within 45 school days. In addition, as discussed above, Nevada's compliance percentage would have been approximately 89% if the calculation provided an allowance for delays created when parents cancelled and rescheduled eligibility meetings and timelines extended beyond 45 school days. As noted, short of convening eligibility meetings without parent participation, this factor is not within the control of the school districts.

Training and technical assistance has been offered to the school district special education administrators concerning this requirement, and closer coordination with Part C service providers has been established in many districts through joint planning and the execution of Memoranda of Understanding.

##### **District-Level Data Analysis**

The NDE examined district-level data for each school district during the 2006-2007 school year in order to identify districts where targeted technical assistance was necessary, even though Nevada does not issue noncompliance findings on the basis of data reports. Of the 17 school districts, six had percentages below 90%, which suggested that the policies/procedures/ practices in these six districts required additional examination:

Clark County School District	85%
Elko County School District	55%
Nye County School District	81%
Storey County School District	75%
Washoe County School District	75%
White Pine County School District	83%

Policies and procedures have been examined for each of these districts to ensure compliance with Part B requirements, and no noncompliant policies and procedures have been identified.

Data were further analyzed for Clark County. When the 247 delays created by the parent's need to cancel and reschedule eligibility meetings were factored into the calculation, the compliance percentage was 90%. Since the district is not in a position to control parents' needs to cancel and reschedule meetings short of convening eligibility meetings without the parents in attendance, these barriers, while affecting the district's compliance percentage, are resistant to district influence. However, there were also 456 children whose initial evaluations were delayed beyond 45 school days because of district scheduling and staffing issues. The NDE is currently working with Clark County to identify whether changes in staffing patterns, hiring additional staff, or other solutions for which the NDE might be a catalyst as a funding or other source of support will lead to improved compliance for this indicator. It is a distinct challenge to find solutions in a district experiencing extraordinary staff shortages, despite aggressive recruitment and retention strategies.

Data were further analyzed for Elko County. Even when the 2 delays created by the parent's need to cancel and reschedule eligibility meetings were factored into the calculation, the compliance percentage was only 56%. There were 55 children whose initial evaluations were delayed beyond 45 school days because of district scheduling and staffing issues. The NDE is currently working with Elko County to identify whether changes in staffing patterns, hiring additional staff, or other solutions for which the NDE might be a catalyst as a funding or other source of support will lead to improved compliance for this indicator.

Data were further analyzed for Nye County. When the 21 delays created by the parent's need to cancel and reschedule eligibility meetings were factored into the calculation, the compliance percentage was 89%. Since the district is not in a position to control parents' needs to cancel and reschedule meetings short of convening eligibility meetings without the parents in attendance, these barriers, while affecting the district's compliance percentage, are resistant to district influence. However, there were also 18 children whose initial evaluations were delayed beyond 45 school days because of district scheduling and staffing issues. The NDE is currently working with Nye County to identify whether changes in staffing patterns, hiring additional staff, or other solutions for which the NDE might be a catalyst as a funding or other source of support will lead to improved compliance for this indicator.

Data were further analyzed for Storey County. As one of the smallest districts in the state, there were only 4 students for whom the district received consent to evaluate during 2006-2007. When one of these was delayed because the parents were incarcerated, the district's compliance percentage lowered to 75%. Given the unique circumstance involved in this case, and the very small "n" contained in the compliance calculation, the NDE determined that no targeted training or technical assistance was necessary.

Data were further analyzed for Washoe County. When the 183 delays created by the parent's need to cancel and reschedule eligibility meetings were factored into the calculation, the compliance percentage was 83%. Since the district is not in a position to control parents' needs to cancel and reschedule meetings short of convening eligibility meetings without the parents in attendance, these barriers, while affecting the district's compliance percentage, are resistant to district influence. However, there were also 170 children whose initial evaluations were delayed beyond 45 school days because of district scheduling and staffing issues. The NDE is currently working with Washoe County to identify whether changes in staffing patterns, hiring additional staff, or other solutions for which the NDE might be a catalyst as a funding or other source of support will lead to improved compliance for this indicator.

Finally, data were further analyzed for White Pine County. There were 3 students (out of a total of 18) whose initial evaluations were delayed beyond 45 school days because of district scheduling and staffing issues. Acknowledging that there is a very small "n" contained in this district's compliance calculation, the NDE is currently working with White Pine County to identify whether changes in staffing patterns, hiring or contracting with additional staff, or other solutions

for which the NDE might be a catalyst as a funding or other source of support will lead to improved compliance for this indicator.

#### **Noncompliance Identified During 2006-2007**

During 2006-2007, eight districts (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, White Pine) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings for failure to complete initial evaluations within 45 school days were issued for Humboldt County and Lincoln County. These districts were directed to correct the noncompliance through revisions of policies/procedures/practices as soon as possible but no later than one year from the identification of noncompliance. Reports on the correction of this identified noncompliance will be provided in the FFY 2007 APR submitted in February 2009.

#### **Correction of Previously Identified Noncompliance**

During 2004-2005, Clark County School District was issued a noncompliance finding for failure to complete initial evaluations within 45 school days. Based upon a random selection of records examined during 2005-2006, this noncompliance finding was not yet corrected. During 2006-2007 the NDE took several enforcement steps to support the district in ensuring correction of this identified noncompliance:

- in its corrective action plan, the district was required to provide evidence of comprehensive staff training regarding Nevada's initial evaluation timeline requirements
- the district was required to submit a district improvement grant to be funded from state set-aside funds to address areas of needed improvement relative to SPP/APR indicators, including correction of noncompliance findings
- key district administrators are required to meet with NDE staff at least quarterly to review high-priority topics, including correction of previously identified noncompliance
- during the mandatory quarterly meetings, the district was required to quantify staff shortages and describe strategies undertaken to enhance recruitment and retention (staff shortages are at critical levels in Clark County)
- key district administrators in compliance/monitoring are required to meet annually with NDE staff to review SPP/APR indicators and data as a mandatory technical assistance activity and to plan additional strategies to ensure correction of noncompliance
- the district is required to continue to collect data through a random selection of initial evaluation records to provide evidence of whether its training and resource enhancement activities are improving the level of compliance

As described above, after taking into account delays that were the result of parents canceling and rescheduling eligibility team meetings, Clark County's compliance percentage for 2006-2007 was 90%.

During 2005-2006, four districts (Churchill, Lyon, Storey, and Washoe) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings for failure to complete initial evaluations within 45 school days were issued for Lyon County and Storey County.

- Based upon a random selection of records examined during 2006-2007 to demonstrate correction of noncompliance, Lyon County corrected the identified noncompliance.
- Based upon a review of all initial evaluation records during 2006-2007 to demonstrate correction of noncompliance, Storey County did not correct the identified noncompliance. As described above, Storey County had only four students referred for an initial evaluation during 2006-2007, and when one of these students had a delay, the compliance percentage lowered to 75%. As a consequence to enforce the requirement to be in compliance, Storey County was required to provide staff training (including a mandatory training facilitated by NDE as a record review/enforcement activity), to

participate in the NDE SPP/APR annual meeting as a mandatory technical assistance activity, and to continue to collect and report data demonstrating compliance with the initial evaluation timeline. Given the very small "n" in this district, no further enforcement activities were taken.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 12

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Effective General Supervision Part B / Effective Transition

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

- # of children who have been served in Part C and referred to Part B for eligibility determination.
- # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- # of those found eligible who have an IEP developed and implemented by their third birthdays.
- # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

Account for children included in a but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d)] times 100.

FFY	Measurable and Rigorous Target
<b>2006</b> <b>(2006-2007)</b>	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.

#### Actual Target Data for FFY 2006:

During 2006-2007, 81% percent of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays  $[424 \div (568 - 46) = 81\%]$ .

See Table 12 below for specific data and calculation according to the OSEP measurement instructions.

<b>Table 12</b> <b>PERCENT OF CHILDREN REFERRED BY PART C PRIOR TO AGE 3, WHO ARE FOUND ELIGIBLE FOR PART B, AND WHO HAVE AN IEP DEVELOPED AND IMPLEMENTED BY THEIR THIRD BIRTHDAYS (2006-2007)</b>			
# Children Served By Part C And Referred To Part B For Eligibility Determination* (a)	# Children Found Not Eligible Whose Eligibilities Were Determined Prior To 3rd Birthday (b)	# Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday (c)	Children Found Eligible With IEPs Developed and Implemented By 3rd Birthday As % Of Children Served By Part C And Referred To Part B For Eligibility Determination (c) ÷ (a-b-d**) (d)
568	46	424	81%

\* Data do not include referrals that did not result in an eligibility determination because the child moved prior to completing the eligibility determination, or because the parent did not consent to the initial evaluation for special education and related services. Data also do not include children whose parent repeatedly failed or refused to produce the child for the evaluation.

\*\* Regarding measurement item (d), Nevada had no children for whom parent "refusal" to provide consent caused delays in evaluation or initial services.

Of the 125 children who were found eligible who did not have an IEP developed and implemented by their third birthday, 93 (74%) had an IEP developed and implemented 1-30 days beyond their third birthday, and 32 (26%) had an IEP developed and implemented 31 days or more beyond their third birthday.

Reasons for the 125 delays beyond the third birthday included the following:

- 31 were delayed because the parents repeatedly did not produce the child for the evaluation, usually based upon the illness of the child [pursuant to OSEP direction, these children were subtracted from the denominator since they are exceptions to the timeline regulation under 34 CFR 300.301(d)]

A total of 94 (125-31) additional delays were created for the following reasons:

- 55 were delayed because of parent scheduling issues (cancelled/rescheduled meetings)
- 4 were delayed because Part C staff did not schedule the transition meeting 90 days before the child's third birthday
- 32 were delayed because of district scheduling/staffing issues
- 3 were delayed for other reasons

Therefore, 63% of the remaining delays were caused by parent scheduling issues and delayed transition meetings [(55 + 4 = 59) ÷ 94 delays = 63%].

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

##### **Explanation of Progress or Slippage that occurred for FFY 2006:**

During 2006-2007, 81% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays. Nevada did not reach its target for this indicator. 63% of the delays occurred because of parent scheduling issues, and Part C's delayed scheduling of transition meetings.

School districts are at a disadvantage when scheduling is delayed by parents (55 delays) or Part C staff (4 delays). If these 59 cases were subtracted from the number of children served in Part C and referred to Part B for an evaluation and eligibility determination, the compliance percentage would have been 92% [424 ÷ (568 – 46 – 59) = 92%]. Even though 92% would not meet the 100% compliance target, this calculation does suggest that even if districts eliminate all delays that are within their control, the 100% compliance target will still remain elusive because the

required calculation provides no allowance for delays that are not within the control of the school districts. The NDE acknowledges that the IDEA permits districts to convene eligibility meetings without parent participation, but this solution is not conducive to developing positive working relationships with families.

During 2005-2006, 83.9% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays, so the state experienced slight slippage from the 2005-2006 level. However, as discussed above and in Nevada's FFY 2005 APR, in the last two years Nevada's compliance percentage would have been 92-94% if the calculation provided an allowance for delays that are not within the control of the school districts.

Training and technical assistance has been offered to the school district special education administrators concerning this requirement, and closer coordination with Part C service providers continues to be established in many districts through joint planning and the execution of Memoranda of Understanding.

### **District-Level Data Analysis**

The NDE examined district-level data for each school district during the 2006-2007 school year in order to identify districts where targeted technical assistance was necessary, even though Nevada does not issue noncompliance findings on the basis of data reports. Of the 17 school districts, five had percentages below 90%, which suggested that the policies/procedures/practices in these five districts required additional examination:

Carson City School District	67%
Clark County School District	75%
Elko County School District	71%
Humboldt County School District	60%
Lyon County School District	79%

Policies and procedures have been examined for each of these districts to ensure compliance with Part B requirements, and no noncompliant policies and procedures have been identified.

Data were further analyzed for Carson City. When the 3 delays created by parent scheduling issues were factored into the calculation, the compliance percentage was 83%. Since the district is not in a position to control parents' needs to cancel and reschedule meetings (short of convening meetings without parent participation), these barriers, while affecting the district's compliance percentage, are resistant to district influence. No delays were the result of district scheduling and staffing issues. Given the very small "n" contained in Carson City's compliance calculation, and the fact that no delays were the result of district staffing or scheduling issues, the NDE determined that no targeted training or technical assistance was necessary.

Data were further analyzed for Clark County. When the 38 delays created by parent scheduling issues were factored into the calculation, the compliance percentage was 87%. Since the district is not in a position to control parents' needs to cancel and reschedule meetings (short of convening meetings without parent participation), these barriers, while affecting the district's compliance percentage, are resistant to district influence. However, there were also 28 delays created by district scheduling and staffing issues. The NDE is currently working with Clark County to identify whether changes in staffing patterns, hiring additional staff, or other solutions for which the NDE might be a catalyst as a funding support will lead to improved compliance for this indicator. Given the extraordinary staff shortages in Clark County, finding these solutions will be a challenge.

Data were also further analyzed for Elko County. When the 6 delays created by parent scheduling issues and Part C delays in scheduling transition meetings were factored into the calculation, the compliance percentage was 94%. Only 1 delay occurred because of district scheduling and staffing issues. The NDE is currently working with Elko County to identify whether

enhanced interagency agreements and/or transition protocols for working with Part C service providers can improve the likelihood that Part C staff will arrange transition meetings for children at least three months before the children's third birthdays.

Data were further analyzed for Humboldt County. Only 7 children were served in Part C and referred to Part B for an evaluation and eligibility determination in Humboldt County in 2006-2007. Five (5) of these students had an IEP developed and implemented by the children's third birthday. When the 1 delay created by parent scheduling issues was factored into the calculation, the compliance percentage was 75%. Only 1 delay was the result of district scheduling and staffing issues. Given the very small "n" contained in Humboldt County's compliance calculation, the NDE determined that no targeted training or technical assistance was necessary.

Finally, data were further analyzed for Lyon County. When the 4 delays created by parent scheduling issues and Part C delays in scheduling transition meetings were factored into the calculation, the compliance percentage was 92%. Only 2 delays occurred as the result of district scheduling and staffing issues. Given that Lyon County has no control over parents' needs to cancel and reschedule meetings, and no control over whether Part C staff schedule transition meetings within required timelines, there is little that the school district can do to improve its compliance percentage. The NDE is currently working with Lyon County to identify whether enhanced interagency agreements and/or transition protocols for working with Part C service providers can improve the likelihood that Part C staff will arrange transition meetings for all children at least three months before the children's third birthdays. Acknowledging that there is a very small "n" contained in this district's compliance calculation, the NDE is currently working with Lyon County to identify whether changes in staffing patterns, hiring or contracting with additional staff, or other solutions for which the NDE might be a catalyst as a funding or other source of support will lead to improved compliance for this indicator.

#### **Noncompliance Identified During 2006-2007**

During 2006-2007, eight districts (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, White Pine) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. No findings of noncompliance were issued for any of these districts.

#### **Correction of Previously Identified Noncompliance**

During 2004-2005 (FFY 2004) Clark County School District was issued a noncompliance finding for failing to develop and implement IEPs by the third birthday for children who were referred by Part C and found eligible for Part B. Based upon a random selection of records examined during 2005-2006, this noncompliance was not yet corrected. During 2006-2007 the NDE took several enforcement actions to support the district in ensuring correction of this identified noncompliance:

- in its corrective action plan, the district was required to provide evidence of comprehensive staff training regarding Nevada's Part C to Part B requirements for developing and implementing IEPs by the children's 3<sup>rd</sup> birthdays
- the district was required to submit a district improvement grant to be funded from state set-aside funds to address areas of needed improvement relative to SPP/APR indicators, including correction of noncompliance findings
- key district administrators are required to meet with NDE staff at least quarterly to review high-priority topics, including correction of previously identified noncompliance
- during the mandatory quarterly meetings, the district was required to quantify staff shortages and describe strategies undertaken to enhance recruitment and retention (staff shortages are at critical levels in Clark County)
- key district administrators in compliance/monitoring are required to meet annually with NDE staff to review SPP/APR indicators and data as a mandatory technical assistance activity and to plan additional strategies to ensure correction of noncompliance
- the district is required to continue to collect data through a random selection of initial evaluation records to provide evidence of whether its training and resource enhancement activities are improving the level of compliance



During 2005-2006 (FFY 2005), four districts (Churchill, Lyon, Storey, and Washoe) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. No findings for noncompliance were issued for any of these districts for failure to develop and implement IEPs for children transitioning from Part C to Part B at age three.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Early Childhood Services and Outcomes (p. 15)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

A random selection of records for record review often does not produce records for students who transitioned from Part C programs, particularly in Nevada's 15 rural school districts where the "n" for these students is very small. The NDE has revised its record selection process accordingly. For the four rural districts scheduled to participate in a comprehensive record review during 2007-2008 (Carson City, Douglas, Mineral, Nye), the NDE will review all records for children who transitioned from Part C programs at age three. This process will enhance the likelihood that the NDE can identify noncompliance in this area and assist school districts in correcting any noncompliance that is identified through modifications of policies and procedures, and through enhanced interagency collaboration.

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 13

#### Overview of the State Performance Plan Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 13:** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent =  $[(\# \text{ of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals}) \div (\# \text{ of youth with an IEP age 16 and above})] \times 100$ .

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable annual goals and transition services that will reasonably advance the student to meet the post-secondary goals.

#### Actual Target Data for FFY 2006:

During 2006-2007, the NDE conducted comprehensive on-site monitoring in eight school districts (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, and White Pine). A total of 44 records were reviewed for students who were aged 15 or older to ensure that the requirements were contained in IEPs to be "in effect" when the student turned 16. Each of these records was reviewed for evidence that the IEPs included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet his/her post-secondary goals. In 30 of these records, the IEPs included annual goals and transition services as required, for a compliance percentage of 71% ( $30 \div 44 = 68\%$ ).

See Table 13 on the following page for statewide and district-level data.

**Table 13**  
**PERCENT OF YOUTH AGED 16 AND ABOVE WITH AN IEP THAT INCLUDES COORDINATED, MEASURABLE, ANNUAL IEP GOALS AND TRANSITION SERVICES THAT WILL REASONABLY ENABLE THE STUDENT TO MEET THE POSTSECONDARY GOALS**  
**2006-2007 School Year**

	<b># Students Whose Records Were Monitored</b>	<b># Students with IEPs that Included Coordinated, Measurable, Annual IEP Goals and Transition Services that will Reasonably Enable Student to Meet the Post-Secondary Goals</b>	<b>Students with IEPs that Included Goals/Services as % of Students Whose Records Were Monitored</b>
<b>Statewide</b>	44	30	68%
<b>Elko</b>	9	6	67%
<b>Esmeralda</b>	0	0	NA
<b>Eureka</b>	3	0	0%
<b>Humboldt</b>	9	2	22%
<b>Lander</b>	5	5	100%
<b>Lincoln</b>	7	7	100%
<b>Pershing</b>	6	5	83%
<b>White Pine</b>	5	5	100%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

During 2006-2007, the percentage of students whose aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals was 68%. The Nevada did not reach its target of 100% compliance for this Indicator.

Although Nevada did not reach its target, significant progress was made for this target over the previous year (2005-2006) when the compliance percentage was 21%. This progress is the result of considerable training and technical assistance provided to local school districts in the area of IEP development for goals and transition services to support the students' post-secondary goals. In addition, the state-mandated IEP was revised in early 2007 to reflect precisely the requirements that are contained in the October 2006 IDEA regulations. The combination of training, technical assistance, and the revision to the state-mandated IEP contributed to improved compliance in this area. The NDE expects that as districts in FFY 2007 fully implement the revised IEP forms, compliance in this area will continue to improve.

**Noncompliance Identified During 2006-2007**

As described above, during 2006-2007, eight districts (Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Pershing, White Pine) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. Noncompliance findings were issued for Elko County, Eureka County, Humboldt County and Pershing County for failure to have IEPs that include coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. These districts were directed to correct the noncompliance through revisions of policies/procedures/practices as soon as possible but no later than one year from the identification of noncompliance. Reports on the correction of this identified noncompliance will be provided in the FFY 2007 APR submitted in February 2009.

**Correction of Previously Identified Noncompliance:**

Each of the school districts identified with noncompliance in FFY 2004 (Clark) and FFY 2005 (Lyon, Storey, and Washoe) was given a list of the students whose records were found noncompliant in IEP development for measurable annual goals and transition services to support the students' post-secondary goals. The districts were directed to revise the IEPs and submit the revised IEPs to the NDE for verification that the noncompliance had been corrected. Table 13a describes the correction of previously identified noncompliance at the student-record level.

<b>Table 13a</b>			
<b>Correction of Noncompliance Identified During 2004-2005 or 2005-2006</b>			
	<b># Previously Identified Noncompliance Findings During 2004-2005 and 2005-2006 for IEPs that Included Coordinated, Measurable, Annual IEP Goals and Transition Services that will Reasonably Enable Student to Meet the Post-Secondary Goals</b>	<b># Previously Identified Noncompliance Findings CORRECTED During 2006-2007 for IEPs that Included Coordinated, Measurable, Annual IEP Goals and Transition Services that will Reasonably Enable Student to Meet the Post-Secondary Goals</b>	<b>% Previously Identified Noncompliance Findings Corrected</b>
<b>Clark (2004-05)</b>	1	1	100%
<b>Lyon (2005-06)</b>	1	1	100%
<b>Storey (2005-06)</b>	1	1	100%
<b>Washoe (2005-06)</b>	1	0	0%

As this table demonstrates, noncompliance was corrected in three of four districts, for a 75% correction rate (3 corrected findings ÷ 4 original findings = 75%). As an enforcement activity, Washoe County School District has been given the names of the three students whose transition services did not comply with Part B requirements so that correction of this noncompliance can occur in the next annual IEP development for these students during 2007-2008.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Secondary Transition Planning and Post-School Outcomes (p. 28)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 15

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

#### Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
  - b. # of corrections completed as soon as possible but in no case later than one year from identification.
- Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	100% of noncompliance is corrected within one year of identification.

#### Actual Target Data for FFY 2006:

During 2005-2006, four districts (Churchill, Lyon, Storey, and Washoe) were selected for comprehensive on-site monitoring. One hundred fourteen (114) noncompliance findings were made for legal requirements related to the SPP Indicators on the following table. By 2006-2007, correction had occurred for 97 of the compliance requirements. For the remaining noncompliance areas, enforcement activities, including mandatory training, technical assistance, and follow-up verification activities, are being undertaken during 2007-2008, and will be reported in the FFY 2007 APR submitted in February 2009. Specifically, the following activities are underway during FFY 2007 with Churchill, Lyon, Storey, and Washoe County School Districts:

- in its corrective action plan, each district was required to develop and provide comprehensive staff training, as well as review/revise policies and procedures as necessary, regarding each requirement where a noncompliance finding had been issued
- each district was required to submit a district improvement grant to be funded from state set-aside funds to address areas of needed improvement relative to SPP/APR indicators, including correction of noncompliance findings
- district administrators are required to meet with NDE staff at least quarterly to review high-priority topics, including correction of previously identified noncompliance
- district administrators are required to meet annually with NDE staff to review SPP/APR indicators and data as a mandatory technical assistance activity and to plan additional strategies to ensure correction of noncompliance
- each district is required to continue to collect data through a random selection of records to provide evidence of whether its training and other activities are improving the level of compliance in areas where a noncompliance finding had been issued

Complaint investigations were conducted in five school districts (Churchill, Clark, Douglas, Mineral, and Washoe), and 14 findings of noncompliance were made in the compliance requirements included on the following table. By 2006-2007, correction had occurred for each of these findings. Documentation of child-specific documentation was required as evidence of corrective actions, and each district submitted required information within established timelines. Where necessary, policies and procedures were reviewed and revised. The NDE reviewed all proposed revisions before implementation. Once approved by the NDE, districts were required to train appropriate staff and provide documentation that training occurred within established timelines.

**Table 15**  
**SUMMARY OF NONCOMPLIANCE FINDINGS (2005-2006) AND**  
**CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2006-2007)**

Indicator	General Supervision System Components	# of Programs Monitored	(a) # of Findings of Noncompliance Identified in FFY 2005 (7/1/05 – 6/30/06)	(b) # of Findings From (a) For Which Correction was Verified No Later Than One Year From Identification
1. Regular diploma graduation rate	Monitoring: On-site visits, self-assessment, etc.	4	33	28
2. Dropout rate	Dispute Resolution			
13. IEP goals and transition services				
14. Postsecondary outcomes				
3. Participation and performance on assessments	Monitoring: On-site visits, self-assessment, etc.	4	25	16
7. Preschool outcomes	Dispute Resolution (Complaints)		11	11
4A. Suspension/expulsion rates	Monitoring: On-site visits, self-assessment, etc.	4	0	0
	Dispute Resolution (Complaints)		1	1
5. LRE for 6-21	Monitoring: On-site visits, self-assessment, etc.	4	15	12
6. LRE for 3-5	Dispute Resolution			
8. Parent Involvement	Monitoring: On-site visits, self-assessment, etc.	4	9	9
	Dispute Resolution (Complaints)		1	1
9-10. Disproportionate Representation	Monitoring: On-site visits, self-assessment, etc.	4	30	30
	Dispute Resolution (Complaints)		1	1
11. Initial evaluation timeline	Monitoring: On-site visits, self-assessment, etc.	4	2	2
	Dispute Resolution			
12. Part C transition—IEP by third birthday	Monitoring: On-site visits, self-assessment, etc.	4	0	0
	Dispute Resolution			
<b>Totals</b>			128	111

**Percent of noncompliance corrected within one year of identification (111 ÷ 128) = 87%**

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress or Slippage that occurred for FFY 2006:**

During 2004-2005, 49% of noncompliance identified during 2003-2004 had been corrected within one year of identification. During 2005-2006, 52% percent of noncompliance identified during 2004-2005 had been corrected within one year of identification.

During 2006-2007, 87% of the noncompliance identified during 2005-2006 had been corrected within one year of identification (111 findings corrected ÷ 128 noncompliance findings = 87%). This progress is due in part to the fact that Nevada's on-site monitoring system combines record review with focused training for staff on the legal requirements for every item that is examined in a review of records. During FFY 2005 and FFY 2006, this training and record review facilitation was provided by an independent contractor who is an expert in special education law.

This progress is also the result of an enhancement to Nevada's monitoring system to report and collect student-specific correction of noncompliance. Nevada's follow-up monitoring lacked this precision in previous years, which made it difficult to specifically review and account for student-level correction of noncompliance. Progress was made but the state has not reached the OSEP-established target that 100% of noncompliance must be corrected within one year of identification.

For noncompliance findings that cannot be corrected at a student-specific level (e.g., missed requirements for notice, consent, evaluations, and timelines) because the clock cannot be "rewound," the NDE requires reviews of policies, procedures, and practices. Based upon these reviews, forms and procedures are revised as necessary, and extensive staff training is required to ensure that compliant practices occur in the future. Districts are also required to participate in training verification activities facilitated by the NDE, where randomly selected records are examined to evaluate the effectiveness of staff training and to identify areas where additional training is needed.

**Correction of Previously Identified Noncompliance**

In the FFY 2005 APR submitted in February 2007, the NDE reported that only 52% of noncompliance identified during 2004-2005 had been corrected within one year. That data included complaint investigations in seven districts and the noncompliance identified in those complaint investigations was corrected within one year. The remaining noncompliance that was not corrected within one year was noncompliance identified in the on-site monitoring conducted in Clark County School District during 2004-2005. Because the identified noncompliance was not fully corrected within one year, during 2006-2007 the NDE took several enforcement steps to support the district in ensuring correction of this identified noncompliance:

- in its corrective action plan, the district was required to provide evidence of comprehensive staff training regarding Nevada's initial evaluation timeline requirements
- the district was required to submit a district improvement grant to be funded from state set-aside funds to address areas of needed improvement relative to SPP/APR indicators, including correction of noncompliance findings
- key district administrators are required to meet with NDE staff at least quarterly to review high-priority topics, including correction of previously identified noncompliance
- during the mandatory quarterly meetings, the district was required to quantify staff shortages and describe strategies undertaken to enhance recruitment and retention (staff shortages are at critical levels in Clark County)
- key district administrators in compliance/monitoring are required to meet annually with NDE staff to review SPP/APR indicators and data as a mandatory technical assistance activity and to plan additional strategies to ensure correction of noncompliance



- the district is required to continue to collect data through a random selection of initial evaluation records to provide evidence of whether its training and resource enhancement activities are improving the level of compliance

In addition to these enforcement activities, the NDE also reviewed student records to determine whether student-specific correction of previously identified noncompliance had been corrected. During 2004-2005, 32 findings of noncompliance had been identified through on-site monitoring in Clark County School District, and 6 of these findings were corrected within one year (by 2005-2006). During 2006-2007, correction was made to an additional 20 previously identified noncompliance findings. In the two years between 2004-2005 and 2006-2007, 29 of the original 32 findings of noncompliance had been corrected, for an overall correction rate of 91% ( $29 \div 32 = 91\%$ ).

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Dispute Resolution System (p. 12)
- Special Education Focused Monitoring and Program Improvement System (p. 32)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 16

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent =  $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100$ .

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	100% of signed written complaints with reports issued will be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

#### Actual Target Data for FFY 2006:

During 2006-2007, 100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint  $[(17 + 2) \div 19 \times 100 = 100\%]$ . There were 19 complaint investigation reports issued during 2006-2007, and each complaint investigation was completed within the 60-day timeline or within a timeline extended for exceptional circumstances with respect to a particular complaint.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

##### Explanation of Progress or Slippage that occurred for FFY 2006:

100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, so the NDE met the target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain.

##### Discussion of Improvement Activities Completed for FFY 2006:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiative:

- Dispute Resolution System (p. 12)

#### Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 17

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 17:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	100% of fully adjudicated due process hearing requests will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

#### Actual Target Data for FFY 2006:

During 2006-2007, 100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party. There were two due process hearings conducted during 2006-2007 that were fully adjudicated as of June 30, 2007 ( $2 \div 2 \times 100 = 100\%$ ). Both hearings were conducted and a decision rendered within a timeline that was properly extended by the hearing officer.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

##### Explanation of Progress or Slippage that occurred for FFY 2006:

100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party, so the NDE met the target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain. This high standard of compliance is reinforced by an independent contractor hired by the NDE to facilitate the administration of the due process hearing system. This contractor assists the NDE in closely monitoring adherence to all timelines required in the Part B due process hearing system.

##### Discussion of Improvement Activities Completed for FFY 2006:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiative:

- Dispute Resolution System (p. 12)

#### Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2006:

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 18

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
<b>2006</b> <b>(2006-2007)</b>	85% of resolution sessions held will result in settlement agreements.

#### Actual Target Data for FFY 2006:

During 2006-2007, 67% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements ( $20 \div 30 \times 100 = 67\%$ ).

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

##### Explanation of Progress or Slippage that occurred for FFY 2006:

During 2006-2007, 67% of resolutions sessions held resulted in resolution session agreements. Consequently, the NDE did not meet the target. During 2005-2006, 91% of resolution sessions held resulted in settlement agreements that resolved the dispute between the parties without the necessity of holding a due process hearing. Nevada thus experienced slippage in the resolution agreement rate.

However, written resolution settlement agreements are not the only means for settling disputes, and during 2006-2007, of the 40 hearings requested, 37 eventually were settled through various means without a hearing (note that two of these settled after the close of the 2006-2007 school year). Consequently, Nevada's actual resolution rate was 92.5%. This overall resolution rate is significant—it suggests that although resolution sessions per se may not always result in written settlement agreements, there are various other means that are successfully used in Nevada to resolve disputes without due process hearings. It is also important to note that during 2006-2007, hearing requests were down to 40 from 75 the previous year.

##### Discussion of Improvement Activities Completed for FFY 2006:

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Dispute Resolution System (p. 12)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 19

#### Overview of the Annual Performance Report Development:

See description in Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 19:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent =  $[(2.1(a)(i) + 2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100$ .

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	80% of mediations held will result in mediation agreements.

#### Actual Target Data for FFY 2006:

During 2006-2007, 100% (9 of 9) of mediations held resulted in full or partial mediation agreements  $[(1 + 8) \div 9 \times 100 = 100\%]$ . During FFY 2006, fewer mediations were held than in FFY 2005. This circumstance is not unexpected given the requirement for parties (with few exceptions) to participate in resolution sessions prior to proceeding to a due process hearing.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

##### Explanation of Progress or Slippage that occurred for FFY 2006:

During 2006-2007, 100% of mediations held resulted in mediation agreements. Consequently, the NDE met the target. During 2005-2006, 80% of Nevada's mediations resulted in mediation agreements—so the 2006-2007 data represents progress.

The pursuit of a target for mediation agreements could have a coercive effect on the process, which is an undesirable, unintended consequence of establishing a "success" rate as a performance indicator. It is more important that parties to a mediation are satisfied with the process, than whether they can reach an agreement. The NDE conducts an evaluation of each mediation, and in 2006-2007, 100% of district representatives (15) who participated in mediation and responded to the survey rated the session as positive. 100% of parents (3 of 3) who participated in mediation and responded to the survey rated the session as positive. Although the number of respondents is not large, their satisfaction with the mediation system is not inconsequential.

It is clearly not possible nor appropriate for the NDE to ensure that all mediations result in agreements; however, it is possible for the NDE to ensure that its mediators are knowledgeable and well-trained, and that parties are made aware of the value of settling disputes through mediation. The NDE's mediation system does meet these criteria.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Dispute Resolution System (p. 12)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.

## Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2006

### INDICATOR 20

#### Overview of the Annual Performance Report Development:

See description in Introduction.

#### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
<b>2006 (2006-2007)</b>	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.

#### Actual Target Data for FFY 2006:

During 2006-2007, 100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions. The 2006-2007 annual §618 data (child count and placement in February 2007; exiting, discipline, personnel reports, and dispute resolution in November 2007) were submitted on time and accurately.

The revised State Performance Plan (SPP) and the first Annual Performance Plan (APR) for FFY 2005 were submitted on time in February 2007. Changes were made to the data source for dropout data so that the correct school year data are now included in the FFY 2006 APR (Indicator 2). Changes were also made to the data collection concerning initial evaluation timelines to ensure that subtotals were provided to report, of the number of students who had an initial evaluation completed within 45 school days, the number who were found eligible and the number who were found not eligible (Indicator 11).

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

##### Explanation of Progress or Slippage that occurred for FFY 2006:

100% of Nevada's state-reported data were timely and accurate for all required elements in the submissions, so the NDE met the target.

The NDE annually collects data from its 17 local school districts. Child count and placement data are collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to OSEP on OSEP-supplied



data files each February 1. Paper submissions are provided by local education agencies for exiting, discipline, and personnel data. These submissions are entered into a database for compilation and submission to OSEP on OSEP-supplied data files each November 1.

The February 2007 SPP describes the steps taken by the NDE to ensure that data are reported in a timely manner, the steps taken to ensure that data are accurate, and the steps taken to ensure that local agencies collect and report data that is consistent with the federal requirements (see February 2007 SPP, pp. 71-72).

In addition to those routine steps, during May 2007 Nevada sponsored the second annual "Data School"—a one-day training for special education administrators and the school district special education data managers. The training focused on changes to the federal data collections that were implemented for data collected during the 2006-2007 school year, including significant changes to the following data collections: child count, placement, and suspension/expulsion. In addition, sessions focused on timely and accurate submissions of all special education data to the NDE. Tools were reviewed and disseminated for calculating early childhood placement data and for collecting student-level suspension/expulsion data. This training will continue to be held annually, as part of the NDE's efforts to ensure that timely and accurate data are collected from school districts and reported to OSEP. These efforts are particularly important given the extensive changes recently made to the federal data collections, and the importance attached to the data analyses when used to determine Nevada's accountability for its programs and services for students with disabilities.

Finally, in FFY 2006, the NDE expanded its capacity to provide timely and accurate data to OSEP through the assistance of two independent contractors who were hired to enhance data collection, verification, and reporting activities. The work of these contractors has improved the accuracy and timeliness of Nevada's § 618 and APR data, but it has also enhanced the NDE's ability to make school- and district-level data available to districts for their use in data-based improvement planning.

**Discussion of Improvement Activities Completed for FFY 2006:**

See APR Attachment 1, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2006-2007 for the following initiatives:

- Data-Based Decision Making (p. 8)

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2007:**

Minor adjustments have been made to the timelines and activities in various Improvement Initiatives to account for progress made, delays encountered, resources allocated, and competing priorities.